

JUDGE BAER

14 CV 2686

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

SHIH-HSIN CHANG
2-14 50th Ave. Apt. 310E
Long Island City, NY 11101

CHIA-LING SHIH
No. 3, Lane 129, Section 1, Xiuming Rd,
Wenshan District, Taipei, Taiwan

BINGYING LIU
4611 30th Ave Apt 1L,
Astoria, NY 11103

Plaintiffs,

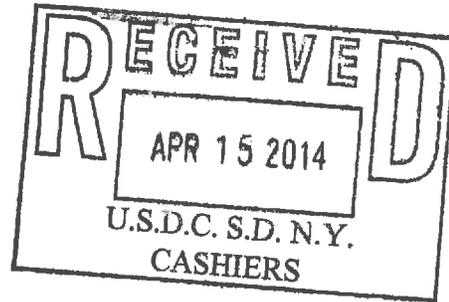
v.

PHOENIX SATELLITE TELEVISION
(US), INC.
12803 Schabarum Avenue,
Irwindale, CA 91706

PHOENIX SATELLITE TELEVISION
HOLDINGS LIMITED
No. 2-6 Dai King Street,
Tai Po Industrial Estate,
Tai Po, N.T., Hong Kong

ZHENGZHU LIU
1700 23rd Street South,
Arlington VA 22202

Defendants.



ECF Case

JURY DEMAND

COMPLAINT FOR SEXUAL HARASSMENT AND RETALIATION

Plaintiffs Shih-Hsin "Heidi" Chang, Chia-Ling "Anne" Shih and Bingying Liu, bring this action against Phoenix Satellite Television US, Inc. ("Phoenix "), Phoenix Satellite Television Holdings Limited ("Phoenix Hong Kong") and Zhengzhu Liu (collectively "Defendants"), for

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monetary relief for injuries that they sustained as a result of extreme sexual harassment and retaliation against them carried out by Zhengzhu Liu in his supervisory role as Phoenix's East Coast bureau chief, and retaliation by employees of Phoenix and Phoenix Hong Kong after Plaintiffs complained to the Equal Employment Opportunity Commission about Mr. Liu's pattern of sexual harassment against female employees, job candidates, and interns of Phoenix. Plaintiffs bring their claims against Phoenix pursuant to Title VII of the Civil Rights Act, 42 U.S.C. § 2000e-1 *et seq.* and against all Defendants under the New York City Human Rights Law, N.Y.C. Administrative Code, § 8-101 *et seq.*, and the New York State Human Rights Law, N.Y. Exec. Law § 290 *et seq.*

JURISDICTION

1. This court has original jurisdiction on the basis of Plaintiffs' claims pursuant to 28 U.S.C. § 1331 and Title VII of the Civil Rights Act, 42 U.S.C. § 2000e-1 *et seq.*, and supplemental jurisdiction over Plaintiffs' state and local law claims under the New York City Human Rights Law and New York State Human Rights Law pursuant to 28 U.S.C. § 1367(a).

2. This Court has personal jurisdiction over all Defendants pursuant to N.Y. C.P.L.R. § 302(a), in that Phoenix is registered to do business in the State of New York, does business in the State of New York through a bureau office in New York City, and the wrongful acts committed against Plaintiff took place in New York City while Mr. Liu was acting as Phoenix's and Phoenix Hong Kong's agent and exercising supervisory and hiring authority on those companies' behalf over employees of Phoenix and job candidates for employment with Phoenix.

3. This Court is an appropriate venue for this matter pursuant to 42 U.S.C. § 2000e-5(f)(3), since the discriminatory and retaliatory conduct complained of took place in the Southern

District of New York, and 28 U.S.C. § 1391(a)(1)-(2), Phoenix maintains a place of business in New York City, Mr. Liu was an agent of both Phoenix and Phoenix Hong Kong, and a substantial part of Mr. Liu's actions giving rise to these claims occurred in this District.

PARTIES

4. Plaintiff Heidi Chang is a U.S. citizen and resident of New York, who now resides at 2-14 50th Ave. Apt. 310E Long Island City, NY 11101. Ms. Chang has worked for Phoenix from approximately May 2006 to the present, at Phoenix's New York bureau.

5. Plaintiff Anne Shih is a foreign national and citizen of the People's Republic of China, who now resides at No. 3, Lane 129, Section 1, Xiuming Rd, Wenshan District, Taipei, Taiwan. Plaintiff Shih applied for a position as a reporter at the New York bureau in the Summer of 2012.

6. Plaintiff Bingying Liu is a U.S. citizen and resident of New York, who now resides at 4611 30th Ave Apt 1L, Astoria NY 11103. Ms. Liu has worked for Phoenix from approximately July 2011 to the present, at Phoenix's New York bureau.

7. Zhengzhu Liu is a foreign national who resides at 1700 23rd Street South, Arlington, VA 22202. During the events alleged below, Mr. Liu served as an employee of both Phoenix Hong Kong and Phoenix. Defendants Phoenix Hong Kong and Phoenix employed Mr. Liu as Bureau Chief with managerial and supervisory authority over the Defendants' New York, NY and Washington, D.C. bureaus. He supervised employees of Defendants and reported to executives at both Defendants, who were located in Los Angeles and Hong Kong.

8. Phoenix is a private company, incorporated in accordance with the laws of Delaware, with its headquarters at 12803 Schabarum Avenue, Irwindale, CA, 91706, is registered to do business in the State of New York, and maintains a bureau at 450 West 33rd

Street, 14th Floor, New York City, New York 10001. Phoenix is a wholly owned subsidiary of Phoenix Hong Kong.

9. Phoenix Hong Kong is a private foreign corporation, incorporated under the laws of the Cayman Islands, that is publicly traded on the Hong Kong stock exchange and owns and operates a variety of international corporate subsidiaries for the purpose of producing and broadcasting Chinese-language media content.

ADMINISTRATIVE EXHAUSTION OF TITLE VII CLAIMS

10. Plaintiffs Chang, Liu, and Shih filed administrative charges against Phoenix with the Equal Employment Opportunity Commission on February 25, 2013.

11. Plaintiff Chang alleged sex discrimination in the form of a sexually hostile work environment and retaliation based on Mr. Liu's hostile conduct because she refused his sexual advances.

12. Plaintiff Liu alleged sex discrimination in the form of a sexually hostile work environment and retaliation based on Mr. Liu's hostile conduct because she refused his sexual advances.

13. Plaintiff Shih alleged retaliation and quid pro quo sexual harassment based on Mr. Liu's refusal to hire her for a position because she rejected his sexual advances.

14. On January 15, 2014, the EEOC issued Right-to-Sue Notices to Plaintiffs Shih, Chang and Liu, which were received by their counsel on January 17, 2014.

15. Because Plaintiffs have filed this complaint within 90 days of their receipt of the Right to Sue notices, their Title VII claims are properly exhausted and timely before this Court.

16. The retaliation that Plaintiffs Liu and Chang allege occurred in the New York bureau during the Fall of 2013 was in response to their EEOC charges, which were filed in February 2013.

FACTUAL BACKGROUND

Mr. Liu's Authority and History at Phoenix

17. Zhengzhu Liu was Phoenix Hong Kong's Washington bureau chief, and supervised both the Washington and New York bureaus for Phoenix, which is headquartered in Los Angeles. Mr. Liu's sole direct superior within the company was Changle Liu, the Chief Executive Officer of Phoenix Hong Kong. At the time of filing of this complaint, Phoenix had never put in place a Human Resources department or presence in the New York or Washington bureaus. Nor did Phoenix have any corporate officer in Los Angeles who possessed the authority to supervise or direct Mr. Liu.

18. In his capacity as bureau chief, Mr. Liu both supervised the production of news programming and the other office functions of the New York and Washington bureaus, and exercised authority over both the hiring and termination of Phoenix employees and interns, including conducting interviews and making hiring decisions.

19. Throughout his employment with Phoenix, Mr. Liu sexually harassed and sexually assaulted Phoenix's female employees, interns, and job candidates. His sexually aggressive behavior included unwanted touching, inappropriate sexual comments, and sexual assault—both in the office and outside of it. Mr. Liu repeatedly lured and pressured female interns, employees, and job candidates into visiting his hotel room under the guise of discussing job performance or employment opportunities. During these visits, Mr. Liu inappropriately groped these women, kissed them, and attempted to have sex with them. In all cases, the

message—which Mr. Liu made explicit at times—was clear: if you want to advance in your career at Phoenix, you must submit to my unwanted sexual advances.

20. Mr. Liu intentionally preyed on the most vulnerable employees at Phoenix, primarily those who were just beginning their careers in America or were looking to advance at Phoenix as interns. Boasting of his connections to Phoenix's Hong Kong headquarters and promising career advancement or a green card to female employees and interns, Mr. Liu pressured these young women to have sex with him. When they were not receptive to Mr. Liu's coercion, Mr. Liu retaliated against them—unfairly criticizing them, subjecting them to harsh work conditions, denying them job opportunities, threatening to fire them, actually firing them, or in the case of job candidates, refusing to hire them.

Phoenix's Awareness of Mr. Liu's Unlawful Conduct

21. Phoenix has long been on notice about Mr. Liu's sexually aggressive conduct toward, and sexual harassment of, female employees and interns. Jackie Pang, a senior employee in the New York bureau, has seen female employees either fired or their internships cut short after resisting Mr. Liu's sexual coercion or complaining to Phoenix management in Los Angeles about Mr. Liu's behavior. She has told female interns who were sexually harassed by Mr. Liu to look outside of Phoenix for employment and has hired at least two former female interns who were subjected to sexual harassment by Mr. Liu in a side project in which she is employed, a business that reports on Wall Street matters.

22. Other employees have also placed Phoenix on notice about Mr. Liu's conduct. On or about August 23, 2009, Taofeng Wang, a cameraman in the Washington bureau, complained to Los Angeles executive Shiping Zeng following Mr. Liu's attempted rape of Mr. Wang's wife and explicit conditioning of job opportunities at Phoenix on her acceding to his

sexual demands. Ms. Zeng responded that she had no authority over Mr. Liu and that Mr. Wang would have to protect his wife himself.

23. Phoenix's complete lack of supervision of Mr. Liu's illegal conduct and failure to maintain a Human Resources department with authority over the New York and Washington bureaus allowed Mr. Liu to continue this pattern of sexual harassment and assaults for nearly 10 years. Furthermore, Mr. Liu, the only supervisor at these bureaus, frequently derided the Los Angeles office, the location of Human Resources for Phoenix, and bragged in front of his employees about the superior authority Phoenix Hong Kong's management had granted him relative to executives with Phoenix in Los Angeles. Mr. Liu was able to sexually harass female employees, job candidates, and interns with impunity, since he knew Defendants Phoenix and Phoenix Hong Kong would make no attempt to restrain his actions or force him to comply with United States law.

24. Within less than five months of Mr. Wang's complaint to Ms. Zeng, Mr. Liu sexually harassed an intern at the New York bureau, Lihuan Wang, in January 2010. This harassment took the form of unwelcome physical sexual advances at a New York hotel, inappropriate invitations to travel alone with Mr. Liu to Atlantic City to discuss "job opportunities," and the withdrawal of opportunities to work at Phoenix once Ms. Wang rejected those advances.

25. Ms. Liu repeatedly made sexual advances and harassed another intern, Fangyuan Liu, during her internship at the Washington bureau over the Summer of 2012. Just as with Ms. Wang, Mr. Liu pressured Ms. Liu to travel alone with him to Atlantic City, presumably so he could force her to have sex with him.

26. A reporter in the Washington bureau, Bingru Wang, complained about sexual harassment to the Equal Employment Opportunity Commission in or around September 2012. Enlisting the help of co-workers at Phoenix, including Plaintiff Bingying Liu, Ms. Wang documented repeated instances of Mr. Liu's sexual harassment and sexual assault of female employees and intern, including a video recording of him assaulting her in the Washington bureau.

27. Four male employees in the Washington bureau supported Ms. Wang's claims before the EEOC, including assisting her with obtaining counsel, filing an EEOC charge, and contacting witnesses who had also been sexually harassed by Mr. Liu.

28. Ms. Wang then settled her harassment complaint with the company after Mr. Liu was summoned to Hong Kong by corporate leadership, including Phoenix Hong Kong's CEO, Changle Liu. Upon information and belief, Changle Liu personally negotiated a settlement with Ms. Wang, at which time Zhengzhu Liu returned from Hong Kong and resumed management of the East Coast bureaus.

29. Faced with the knowledge that the manager who supervised two bureau offices in the United States had, on camera, sexually harassed a Phoenix employee, Phoenix and Phoenix Hong Kong began threatening and retaliating against the employees who assisted Ms. Wang with her EEOC complaint. With respect to preventing Mr. Liu's continued misconduct, however, Phoenix and Phoenix Hong Kong did nothing in the Fall of 2012. No Human Resources personnel were even assigned to these offices to monitor his behavior after he returned from Hong Kong. Defendants did not discipline or demote Mr. Liu nor restrict his authority.

30. Despite the prior complaints to the Los Angeles office, Phoenix and Phoenix Hong Kong continued to employ Mr. Liu until the three current Plaintiffs and other current and

former employees and interns threatened the company with litigation, setting forth their claims in a letter to Phoenix's counsel on December 3, 2012. The company fired Mr. Liu shortly before December 31, 2012, as a result of that letter.

**Phoenix's Refusal to Initiate Measures to Prevent or Address
Sexual Harassment When it Occurred**

31. After defendants received complaints about Mr. Liu's sexual harassment and assault, neither Phoenix nor Phoenix Hong Kong put in place policies or measures to prevent this sexual harassment or any reporting mechanism in the event it did occur.

32. Although the current edition of Phoenix's employee manual, created in 2004, purports to prohibit sexual harassment, sex discrimination and retaliation, neither Phoenix nor Phoenix Hong Kong has provided training to employees in the East Coast offices about this policy. In fact, Defendants failed to provide copies of the manual to many of their employees.

33. Neither Phoenix nor Phoenix Hong Kong has ever taken any steps to enforce this policy. Phoenix and Phoenix Hong Kong refused to respond to Mr. Wang's and other employees' prior complaints about Mr. Liu's sexual harassment and sexual assault, and defendants refused to discipline a male employee who engaged in workplace violence against a female co-worker in or around May 2013. The son of executive Shiping Zeng, who is also an employee of Phoenix, was arrested for assaulting a female co-worker at the company's Los Angeles office during working hours, requiring the police to be called, but was never disciplined.

34. Phoenix's and Phoenix Hong Kong's combination of a failure to train employees about sexual harassment and tolerance of both Mr. Liu's sexual harassment of female employees and workplace violence against women made clear that Phoenix and Phoenix Hong Kong had no meaningful procedures to prevent or remedy sexual harassment.

Plaintiffs' Employment at Phoenix and Mr. Liu's Harassment and Retaliation

Heidi Chang

35. Ms. Chang is a current employee of defendants Phoenix and Phoenix Hong Kong and has worked in Phoenix's New York bureau as a reporter since May 2006.

36. Mr. Liu was Ms. Chang's supervisor from the time she began her employment in May 2006 until Mr. Liu's employment was terminated in December 2012.

37. Although Mr. Liu was based in Phoenix's Washington bureau, he often visited the New York bureau and stayed in hotels in New York City during those visits. Mr. Liu rarely provided any notice for his trips to New York City, but would instead unexpectedly arrive at the office or make plans to meet with the office's staff, once per month on average.

38. Shortly after she began work with Phoenix in May 2006, Mr. Liu began making inappropriate sexual comments about women and sex in the workplace in Ms. Chang's presence. For example, on one occasion, Mr. Liu described in great detail to Ms. Chang a woman that he saw in his hotel lobby. He said that because the woman was wearing "a mini-skirt and no stockings," she must have worked for an escort service. On another occasion, Mr. Liu commented on a colleague's marriage and said that perhaps the colleague's "sexual ability" was not good enough.

39. Mr. Liu often discussed the looks of other women, including Ms. Chang and her female co-workers, and would say that women were "too old" or did not know how to dress correctly or do their makeup properly. He also stated that he would not hire any female who had just given birth to a child, because she would be "too fat" on television. Mr. Liu would regularly compliment Ms. Chang on her appearance and tell her that she knew how to do her makeup and

dress properly. Mr. Liu often stared at or watched Ms. Chang for prolonged periods of time in a way that indicated sexual attraction and made her extremely uncomfortable.

40. In Ms. Chang's presence, Mr. Liu also commented on rape inappropriately in a tone and manner that demonstrated a lack of respect for rape victims and women generally. While at the Sofitel hotel in New York City for an event in 2011, Mr. Liu pointed out to Ms. Chang and other Phoenix employees that they were at the hotel where IMF Chief Dominique Strauss-Kahn had allegedly raped someone and jokingly said that he "wanted to see the room" where the rape had occurred.

41. In addition to the inappropriate sexual comments, throughout the time Ms. Chang worked at Phoenix with Mr. Liu as her supervisor, Mr. Liu inappropriately touched Ms. Chang while at work in an unwelcome and offensive manner. He often placed his hand on Ms. Chang's back and touched her arms for prolonged periods of time. Sometimes he put his arm around her. On several occasions, when Ms. Chang was working at her computer, Ms. Liu would lean his body against her from behind her. This touching was unwanted and made Ms. Chang feel uncomfortable. She had made it clear to him this touching was unwelcome by pulling away from him, but he continued his unwelcome and offensive physical contact.

42. Even when Mr. Liu did not touch Ms. Chang during his visits to the office, she witnessed him engage in similar behavior toward female interns who worked at the New York bureau. Much like his treatment of Ms. Chang, Mr. Liu would repeatedly touch or lean in close to these female interns when he visited the office, and demonstrated the same inappropriate behavior toward them that he directed toward Ms. Chang. On one or two occasions, she observed Mr. Liu invite a young female intern to eat lunch or dinner with him alone. Over the

course of her employment, Ms. Chang observed that Mr. Liu, who was personally responsible for selecting and hiring interns, hired approximately ten female interns and only one male intern.

43. In or about 2009, Ms. Chang witnessed that another female intern, Bianca Chen, resigned after Mr. Liu pressured her to have sex with him.

44. Between 2009 and 2010, Mr. Liu invited Ms. Chang to his hotel on four or five occasions for what Mr. Liu falsely claimed were work-related purposes. Each time, Ms. Chang came to realize that Mr. Liu wanted to have sex with her and that his invitation did not relate to work.

45. In 2009, Mr. Liu first asked Ms. Chang to meet him at the New Yorker Hotel so that he could discuss work with her over lunch. Once she arrived at the hotel, Mr. Liu insisted that she meet him in his hotel room rather than the hotel restaurant. In the hotel room, they spoke briefly. Mr. Liu then asked Ms. Chang to “give him a hug.” He wrapped his arms around her, pressed his body against her body, and called Ms. Chang “babe.” He held on to her very tightly for three to five minutes, which made her extremely uncomfortable. As he hugged her, Mr. Liu rubbed her back and said “oh, you are very good.” Mr. Liu knew Ms. Chang’s father had passed away in 1994 and, while he hugged her, he said that he “felt sorry” for Ms. Chang because she “didn’t have a father.” Ms. Chang did not say anything but pushed Mr. Liu away, until he finally let her go.

46. Following the first incident in Mr. Liu’s hotel, Ms. Chang was scared and unsure what to do, as Mr. Liu was her only supervisor, and she felt that she could not say “no” to him. She also felt very angry and ashamed. Although she had done nothing wrong, she wondered what she had done to give Mr. Liu the impression that he could treat her that way. Following the

incident, because of her shame, she did not tell anyone what had happened. From then on, she tried to avoid Mr. Liu.

47. Mr. Liu continued asking Ms. Chang to go to his hotel room on several other occasions in 2009 and 2010. Ms. Chang felt increasingly uncomfortable and found excuses not to go. On two of these occasions, she insisted on meeting Mr. Liu in the hotel lobby, rather than his room, even though she feared Mr. Liu's retaliation.

48. On one occasion, Mr. Liu called Ms. Chang and asked her to deliver something work-related to his room at the Four Seasons Hotel. Feeling she had no other choice, Ms. Chang went to his hotel room to drop off the items. When Mr. Liu answered the door, he was not wearing shoes or socks, which Ms. Chang thought was inappropriate. She attempted to drop off the items at Mr. Liu's door and leave immediately, but Mr. Liu insisted she carry the items into his hotel room. Again, once she was inside his hotel room, Mr. Liu began groping her and would not let her go. Finally, after she strongly physically resisted Mr. Liu, he released her.

49. During this time, Ms. Chang felt anxious and did not sleep well, particularly on those days when Mr. Liu asked her to visit his hotel. She constantly felt great pressure to make up some excuse not to go to Mr. Liu's hotel, and worried what she would do if Mr. Liu insisted she go to his room and he groped her again. She thought about recording Mr. Liu on her phone, but did not because she was afraid that Mr. Liu would find out and endanger her physical safety.

50. In 2009, Mr. Liu attempted to relocate Ms. Chang to Phoenix's Washington bureau, where he was based. Mr. Liu told Ms. Chang that he wanted to fill the position of the White House correspondent, as that person had left following the 2008 election. Most Phoenix employees consider the White House correspondent position to be one of the most important positions in Phoenix's news bureaus, and the company's placement of Ms. Chang in that position

would have been a promotion. Mr. Liu also told her that he would raise her salary if she took the position. However, she did not accept the position because she did not want to work in the same office as Mr. Liu in Washington, as he would subject her to even greater unwelcome and offensive sexual harassment than he had in the past.

51. Mr. Liu continued to ask Ms. Chang to visit his hotel room for reasons that were pretextual. In November 2009, Mr. Liu asked Ms. Chang, via email, to meet him at his hotel room at 8:40 a.m., so she could assist him with the translation of an International Emmy Awards speech made by Phoenix's CEO. Ms. Chang thought that Mr. Liu's request that she visit his hotel at such an early hour was inappropriate and suspicious. However, by the time she read Mr. Liu's email, Ms. Chang had missed the train that would have allowed her to meet Mr. Liu at that time. She emailed Mr. Liu and asked him to send her a copy of the speech by email so that she could do the translation, but Mr. Liu said that he did not have the speech. It then became obvious that Mr. Liu requested that she visit his hotel during the early hours of the morning for sex and not to translate a speech.

52. In March or April 2010, Mr. Liu again asked Ms. Chang to meet him at his hotel room. She was planning on leaving Phoenix because she had received a job offer from another company, and Mr. Liu wanted to meet with her to discuss the possibility of raising her salary, to keep her at Phoenix. She did not want to go to Mr. Liu's hotel room, and initially made an excuse to avoid going to the hotel. However, Mr. Liu said he had a message to give her from the CEO in Hong Kong, so she met him at his hotel room.

53. In the hotel room, Mr. Liu told Ms. Chang that Phoenix would raise her salary, but not as much as she wanted. Again, when Ms. Chang attempted to leave the hotel room, Mr. Liu hugged Ms. Chang and held her tightly for several minutes. Mr. Liu said, "I like you, and

the bosses like you, so I want you to stay.” Ms. Chang felt uncomfortable and resisted, and Mr. Liu finally released her. She left the room immediately. Because the other company offered Ms. Chang only a part-time position rather than a full-time position, she remained at Phoenix.

54. After the last meeting with Mr. Liu in 2010, Mr. Liu stopped asking Ms. Chang to meet him at his hotel. Mr. Liu knew by that point that Ms. Chang would not have sex with him, and that she had received a job offer from another company and did not need the job at Phoenix. However, Mr. Liu continued to touch Ms. Chang inappropriately and make comments about women and sex during his regular visits to the New York bureau.

55. Ms. Chang did not report Mr. Liu’s sexual harassment to Phoenix Human Resources in Los Angeles because she believed that making any reports to HR personnel would be futile. Ms. Chang knew that the New York bureau did not have an HR representative, and Mr. Liu often boasted that the Phoenix headquarters in Hong Kong had given him far more power than the Los Angeles office. Mr. Liu also said that he could easily speak to Changle Liu, Phoenix Hong Kong’s CEO, at any time. Ms. Chang was worried that she might lose her job if she complained about Mr. Liu’s harassment.

56. Initially Ms. Chang did not realize that Mr. Liu had sexually harassed so many other female employees. She later learned that many other female employees had not reported Mr. Liu’s sexual harassment for fear of retaliation and did not discuss what had happened with their co-workers because they were ashamed. Ms. Chang did not tell her co-workers about Mr. Liu’s harassment because she worried her co-workers might think she was hired or received better assignments because of Mr. Liu’s sexual advances toward her.

57. After Mr. Liu’s invitations stopped, Ms. Chang observed that Mr. Liu began to harass other female employees or interns over whom he had control. In the Summer of 2010,

Ms. Chang learned from former intern Lihuan Wang that Mr. Liu had sexually propositioned her and had stopped expressing interest in hiring her for a permanent position as a reporter after she refused his advances. Ms. Chang also noticed that Mr. Liu regularly touched virtually every female intern that was employed in the New York office — one intern, Bianca Chen, left her internship early in 2009 after Mr. Liu made sexual advances toward her.

58. Ms. Chang also observed Mr. Liu treat other female employees in the New York bureau with hostility after they refused his sexual advances. For example, she observed that Mr. Liu frequently yelled at Liu Bingying, who was very forceful in her rejections of Mr. Liu's advances, and often avoided him during his regular New York visits. She also observed that Mr. Liu routinely assigned Ms. Liu to undesirable assignments and overtime work on the weekend, more than any other employee.

59. Because of Mr. Liu's behavior, Ms. Chang was always alert at work and tried to avoid any situations where Mr. Liu might have an opportunity to sexually harass her. When Mr. Liu tried to touch her, she moved away from him. For example, when Mr. Liu tried to put his arm around her, Ms. Chang slipped away quickly. She did not feel comfortable in the workplace, particularly knowing that Mr. Liu's appearances in the office were unpredictable.

60. Mr. Liu often criticized Ms. Chang at work over minor issues and in front of other employees. For example, on one occasion, Mr. Liu yelled at Ms. Chang for missing a deadline by two minutes. On several occasions, Mr. Liu yelled at her over the speakerphone, so that everyone in the Washington bureau could hear him berate her.

61. Mr. Liu's constant sexual harassment impacted Ms. Chang's ability to do her job because she feared for her personal safety and caused her to reconsider whether she wanted to remain in the United States. Mr. Liu's sexual harassment also caused Ms. Chang great stress,

depression, and anxiety. Because Ms. Chang works and lives in the United States and does not have any family in this country, she had to deal with this traumatic experience by herself. Ms. Chang continues to experience depression as a result of Mr. Liu's actions and saw a psychiatrist for treatment in 2013. She often has flashbacks of Mr. Liu's sexual harassment as she struggles to put what has happened behind her.

62. Ms. Chang filed an EEOC charge against Phoenix on February 25, 2013, alleging a sexually hostile work environment and retaliation.

Bingying Liu

63. Ms. Liu is a current Phoenix employee and has worked in Phoenix's New York bureau as a correspondent since July 2011.

64. Mr. Liu was Ms. Liu's supervisor from the time she began her employment in July 2011 until Mr. Liu ceased working for Phoenix in December 2012.

65. Mr. Liu began acting inappropriately toward Ms. Liu almost immediately after she started working at Phoenix.

66. On July 1, 2011, on Ms. Liu's first day of work, she attended a welcome dinner with Mr. Liu and her officemates Jackie Pang and Guang Fu Jiang. After dinner, Mr. Liu, Mr. Jiang, and Ms. Liu walked together to the subway station. As they were about to go separate ways, Mr. Liu said "hug hug" in Chinese to Ms. Liu and hugged her goodbye. Mr. Liu did not hug Mr. Jiang goodbye. Mr. Liu's unwelcome physical conduct made her uncomfortable. However, Mr. Liu was her supervisor, and she had just begun the job, so she felt like she needed to go along with his behavior. Mr. Jiang witnessed Mr. Liu's hug and later told Ms. Liu to "be careful" because he thought Mr. Liu's behavior was suspicious.

67. On or about July 19, 2011, after Ms. Liu had been working at Phoenix about two weeks, Mr. Liu e-mailed her to inform her that Zhao Hongzhu, the Governor of Zhejiang Province was visiting New York. Mr. Liu said reporting this story was an important task and he wanted to discuss with Ms. Liu over dinner how to report it. Ms. Liu accepted his invitation. After he arrived in New York, he emailed Ms. Liu to meet him at his hotel before dinner. Ms. Liu was not comfortable with Mr. Liu's request, so she called Mr. Liu and said it would be too late to meet him at his hotel by the time she had finished her work and suggested she instead meet him at the restaurant. However, Mr. Liu insisted on waiting for Ms. Liu in his hotel room. Because it was still Ms. Liu's probationary period, she did not want to push the issue further so she made plans to meet with Mr. Liu at his hotel.

68. Ms. Liu mistakenly went to the Waldorf Hotel, which was nearby Mr. Liu's hotel, the Double Tree hotel. Ms. Liu knocked on the door of the room that she thought was Mr. Liu's, but no one answered. Ms. Liu called Mr. Liu to confirm what hotel he was staying at, and Mr. Liu informed her that she had gone to the wrong hotel.

69. When Ms. Liu arrived at Mr. Liu's hotel room at the Double Tree, he opened the door and invited her in. As soon as Ms. Liu stepped inside the room, Mr. Liu closed the door, walked in a few steps, and suddenly turned back, and said to her "come, hug hug" and opened his arms and hugged Ms. Liu. Ms. Liu felt uncomfortable and that Mr. Liu's physical conduct was unwelcome. While hugging her, Mr. Liu said "thanks for your hard work." Out of politeness, Ms. Liu responded, "not at all, that's what I should do" and quickly physically ended the hug by patting his back and leaning away from him. Ms. Liu's actions and words made it clear to him that his advances toward her were unwelcome and offensive.

70. Mr. Liu then walked into his hotel room further, and asked Ms. Liu why she had gone to the wrong hotel room and if anyone in that room had opened the door. Ms. Liu told him that no one had. He said “You’re lucky that no one answered the door.” He then said, “What if a white man was there? He could have opened the door, dragged you in, and raped you.” Ms. Liu was visibly shocked by Mr. Liu’s comment. She felt extremely uncomfortable and did not respond. She believed that the comment was a test to see how she would react, and also a threat, because it implied Mr. Liu could rape her.

71. Mr. Liu then sat down on the bed and patted it and asked Ms. Liu to sit next to him. She did not feel comfortable sitting on the bed with Mr. Liu, so she told him she was fine standing. There was nowhere else she could sit because the only chair in the room was on the other side of the bed and getting to the chair would involve walking along the narrow path between the bed and the TV, where Mr. Liu was sitting. Ms. Liu immediately asked whether Mr. Liu had made reservations for a restaurant. Mr. Liu told Ms. Liu that there was “no rush” and insisted that they spend more time talking in his hotel room.

72. Although Mr. Liu told Ms. Liu that he wanted to discuss an assignment, once she was in his hotel room, Mr. Liu did not discuss the assignment. Instead, he asked Ms. Liu how she liked working at Phoenix and if she were uncomfortable with anything at the job. Ms. Liu told him that she liked working for Phoenix and that everything was fine. Mr. Liu asked her if there was anything she wanted to talk about. Ms. Liu tried to focus the conversation on work, with little success. Ms. Liu asked again about dinner because she felt uncomfortable and wanted to leave. Eventually, they left Mr. Liu’s hotel room for the restaurant.

73. At dinner, Mr. Liu asked Ms. Liu, who was wearing a wedding ring, about her husband and their relationship, including how Ms. Liu met her husband and whether her husband

was also located in New York. Ms. Liu answered all Mr. Liu's questions confidently, in order to let him know that her husband was with her in New York and that their relationship was very secure.

74. Immediately thereafter, Mr. Liu brought up the Bill Clinton scandal. He told Ms. Liu that Bill Clinton was impeached because he lied under oath, not because of his sexual affair. He said that Monica Lewinsky gave Bill Clinton a blow job, and that a blow job is not sexual intercourse. He then said that having a sexual affair and receiving a blow job were "not a big deal." Ms. Liu was uncomfortable with this topic of conversation and remained silent to demonstrate to Mr. Liu that his comments about sexual matters were unwelcome.

75. During their interactions in his hotel room and at dinner, Mr. Liu appeared to be testing Ms. Liu's willingness to give in to his sexual advances to advance in her career at Phoenix, which Ms. Liu indicated she would not do. After Ms. Liu refused to participate in a conversation about sex or respond positively to Mr. Liu's overtures for sex, she observed a change in Mr. Liu's demeanor. Before dinner, Mr. Liu was in a good mood and acted very warmly toward her. However, toward the end of the dinner, Ms. Liu got the impression that Mr. Liu was trying to leave quickly, and he was not as pleasant.

76. After Ms. Liu got back from the dinner with Mr. Liu, she told her husband, who is American-born, what had happened. Her husband said that this was not normal behavior for a supervisor and suggested that Ms. Liu avoid being alone with Mr. Liu.

77. Following this incident, Ms. Liu felt very uncomfortable around Mr. Liu and avoided situations where she might be alone with him. If Mr. Liu were in one office, Ms. Liu would move to the bureau's second office, even if she were in the middle of working on something. She also avoided speaking with Mr. Liu over the phone and tried to use email to

communicate with Mr. Liu. Because Mr. Liu did not give the New York bureau any warning of his visits, Ms. Liu was constantly on guard and fearful that Mr. Liu might show up.

78. Following the July 2011 incident, Mr. Liu never asked Ms. Liu back to his hotel and began treating Ms. Liu more harshly than other employees. Ms. Liu observed that Mr. Liu treated her differently than the other correspondents who were more easily manipulated by Mr. Liu or were willing to sleep with him. Mr. Liu made comments to Ms. Liu that indicated that he did not like her because he felt he could not control her. On one occasion, he told Ms. Liu that her “personality is more like that of a boss” and that she was a person “with her own ideas.”

79. Mr. Liu frequently assigned Ms. Liu more labor-intensive and unpleasant overtime work than other employees. In Ms. Liu’s first month at Phoenix, July 2011, Mr. Liu assigned Ms. Liu to do reporting trips in Vancouver and Chicago and provided her with a cameraman for these trips. However, after Ms. Liu rebuffed Mr. Liu’s advances, Mr. Liu assigned Ms. Liu to go on reporting trips by herself, without the assistance of a cameraman or video editor. For example, in February 2012, Mr. Liu sent Ms. Liu to cover news in Atlanta, Georgia without the assistance of a cameraman. Similarly, in April 2012, Mr. Liu sent Ms. Liu to cover a story in Ottawa, Canada. While on that trip, Ms. Liu had to carry all of the necessary equipment through customs and do all the filming, interviewing, writing, and video editing on her own. To her knowledge, no other correspondent during her employment in Phoenix’s U.S. offices had to complete similar tasks. Despite her hard work, Mr. Liu not only refused to recognize or praise Ms. Liu’s efforts, but criticized her unfairly. He continued to send her on numerous reporting trips to Boston without the assistance of a cameraman.

80. Mr. Liu also criticized Ms. Liu for not keeping pace with the other correspondents in the monthly job reviews he sent out to the U.S. bureaus and to the Phoenix executives in Hong

Kong. Although Mr. Liu praised other Phoenix employees in these job summaries, he almost never praised Ms. Liu. Mr. Liu praised Ms. Yen-Ying Chen and Ms. Bingru Wang, both female correspondents in the DC bureau, in the monthly job reviews. Employees in the Washington bureau —Max Ren, Taofeng Wang, and Ching-Yi Chang — have told Ms. Liu that Mr. Liu often picked up Yen-Ying Chen and gave her a ride home after work, indicating they had a close relationship. Additionally, Ms. Wang told Ms. Liu that Mr. Liu has sexually harassed her on many occasions.

81. In many instances, Mr. Liu unfairly singled Ms. Liu out in order to make an example of her and demonstrate his power. On one occasion in May 2012, before the work day had begun, Ms. Liu went to see the Chinese human rights activist Guangcheng Chen speak. She went to the speech because of her own personal interest and was not covering the speech for work. However, when Mr. Liu heard that Ms. Liu had gone to see Mr. Chen speak, he called her and, without informing her, placed her on speaker phone, so that everyone in the Washington bureau could hear him. Before giving her a chance to explain, he began yelling at Ms. Liu and threatened to fire her. He told Ms. Liu that she has “[her] own ideas about how to do things” and said that Ms. Liu did “not obey [his] will.” Mr. Liu threatened, “I think you do not want to stay here anymore.” Ms. Liu tried to explain that she had gone to the speech in her personal capacity, but that only made Mr. Liu angrier, so she remained silent.

82. Mr. Liu later e-mailed Ms. Liu and demanded that she write a “self-critical letter,” a radical punishment that Ms. Liu associates with the Cultural Revolution in China, where disgraced members of the Communist Party were required to issue public self-criticisms before being sent to prison. Mr. Liu told Ms. Liu that he wanted her to “think about the mistakes [she]

had made.” To Ms. Liu’s knowledge, no male employee had ever been required to write Mr. Liu a self-critical letter.

83. Later that day, Meixing Ren, an employee in Phoenix’s Washington bureau, texted Ms. Liu and said, “I’m sorry about your situation. The whole office . . . heard him scolding you brutally.” Ms. Liu believed that Mr. Liu broadcasted the call to the entire Washington bureau in an effort to demonstrate his authority to punish Phoenix employees who “disobeyed” him, and, in Ms. Liu’s case, because she refused his sexual advances. Ms. Liu was humiliated and believed that Mr. Liu was attempting to force her to leave by intensifying the sexually hostile work environment he had created.

84. Mr. Ren told Ms. Liu that Mr. Liu was planning on hiring someone new to replace her, as he had seen these plans in writing. He said that Mr. Liu never hired the woman he was going to replace her with—Anne Shih—because Mr. Liu sexually harassed Ms. Shih at the interview, and she refused his advances. Mr. Liu never informed Ms. Liu that he was planning on firing her, although she observed that Mr. Liu was treating her with increasing hostility. During the Summer of 2012, on several other occasions, Mr. Liu yelled at Ms. Liu over trivial issues with her work.

85. Ms. Liu observed Mr. Liu’s unfair treatment of Phoenix employee Heidi Chang. Ms. Liu heard that Ms. Chang was one of Mr. Liu’s favorite employees initially, but after Ms. Chang refused his sexual advances, she observed Mr. Liu treat her with hostility as well.

86. Ms. Liu is also aware of interns whom Mr. Liu has retaliated against for rejecting his sexual advances. During the Summer of 2012, Ms. Liu observed that when intern Qian Chen declined Mr. Liu’s repeated invitations to go to his hotel room, Mr. Liu ended Ms. Chen’s internship early, despite the fact that Ms. Chen performed very well.

87. During the course of her internship, Ms. Chen told Ms. Liu that Mr. Liu had invited her to his hotel room several times, but that she had declined the invitations because, Lihuan Wang, another former Phoenix intern, warned Ms. Chen against it. In July 2012, Mr. Liu visited the New York bureau. Ms. Chen told Ms. Liu that Mr. Liu had invited her to the hotel again, but she found another excuse not to go. That same day, Ms. Liu witnessed Mr. Liu ask to speak with Ms. Chen. After the talk, Ms. Liu noticed Ms. Chen looked disappointed. Ms. Chen later told Ms. Liu that during the conversation, Mr. Liu informed her that her internship would end in August, despite the fact that Ms. Chen was supposed to work at the New York bureau for a longer period of time.

88. In September 2012, Bingru Wang, another female employee who Mr. Liu had sexually harassed, filed a sexual harassment charge with the EEOC and began the process of initiating a lawsuit against Mr. Liu. Ms. Wang asked Ms. Liu to help her with her case. As part of that effort, in September 2012, Ms. Liu sent a letter to Shiping Zeng, the vice president of Phoenix U.S., and complained about Mr. Liu's repeated sexual harassment of female employees.

89. Ms. Zeng told Ms. Liu that she had sent Ms. Liu's letter to Hong Kong and that the Hong Kong office would send people over to look into her complaint. Shortly after, a woman from the Hong Kong HR department, Xiaowen Huang, called Ms. Liu and said that the headquarters had asked her to collect the facts and that she would report everything to the head of the company. Ms. Liu again told her about Mr. Liu's repeated sexual harassment of female employees. Xiaowen Huang never followed up with Ms. Liu, and, to her knowledge, never interviewed any other employees in the New York bureau. Shortly thereafter, Ms. Liu heard that Mr. Liu went back to Hong Kong for a meeting. However, two weeks later, both Mr. Liu and

Bingru Wang returned to work in the DC office. Mr. Liu continued to work at Phoenix until December 2012.

90. In October 2012, Max Ren, Ching-Yi Chang, and Taofeng Wang told Ms. Liu that they heard from Yiqiu Chen, a cameraman in the DC office, that Mr. Liu said that he plans on “cleaning up” or “taking care of” those who participated in Ms. Wang’s case “one-by-one.” The Chinese expression “to clean up” means to “terminate,” “fire” or “get rid of.”

91. As a result of Mr. Liu’s treatment, Ms. Liu experienced great stress, depression, and anxiety. In addition to worrying about the threat of physical attack by Mr. Liu, Ms. Liu has had to fend off Mr. Liu’s constant verbal attacks until December 31, 2012, when Phoenix terminated Mr. Liu’s employment.

92. After undergoing significant stress at the job, she has developed severe acne problems, which she never suffered from prior to working at Phoenix. Ms. Liu has also suffered from depression as a result of Mr. Liu’s harassment and retaliation.

93. On February 25, 2013, Ms. Liu filed an EEOC complaint against Phoenix.

Anne Shih

94. Ms. Shih interviewed for a job as a reporter at Phoenix with Mr. Liu during the Summer of 2012.

95. Ms. Shih graduated in 2005 from National ChengChi University in Taiwan, where she double majored in Journalism and Arabic Literature. She earned her Masters Degree in Speech Communications, with a focus on mass communication, at Texas A & M University.

96. Ms. Shih interned with the International Department for CtiTV in Taiwan from February to June 2004. She also interned with Campus TV from September 2007 to December 2007.

97. At the time Ms. Wang interviewed for a position with Phoenix, she was working as an online editor and video editor for World Journal, a large Chinese-audience news organization based in New York City.

98. Mr. Liu made all decisions about hiring interns and permanent employees for Phoenix's New York and Washington bureaus.

99. As part of the hiring process, Ms. Shih met with Mr. Liu four or five times in New York City during the Summer of 2012. Each time Ms. Shih met with Mr. Liu, he set up their meetings at the Waldorf Hotel. On one occasion, at Mr. Liu's request, Ms. Shih went with Mr. Liu to his hotel room.

100. On July 18 2012, Mr. Liu emailed Ms. Shih to see if she was interested in a reporter position with Phoenix's New York bureau. Between July 18, 2012 and July 23, 2012, Ms. Shih and Mr. Liu exchanged emails about the position.

101. Mr. Liu told Ms. Shih that a position was going to become available because he wanted to fire another reporter, Plaintiff Bingying Liu, who Mr. Liu said was not qualified and was not performing well. Ms. Shih was very excited about potentially working for Phoenix, as it would be a great opportunity. Ms. Shih told Mr. Liu that she was interested in a reporting position with Phoenix's New York bureau and was willing to leave her current job in New York City for an opportunity with Phoenix in its New York bureau.

102. In July 2012, Ms. Shih recorded two news video clips for Mr. Liu's review. He told her in writing that she had done a good job on selecting topics for the clips and that they could work on her voice-over the next time he visited New York.

103. On August 30, 2012, Mr. Liu asked Ms. Shih to meet him at the Waldorf Hotel, where he was staying. Mr. Liu said that he wanted to record Ms. Shih's reporting, so that he

could evaluate her reporting skills and on-camera performance. Mr. Liu instructed Ms. Shih, by text, to bring her camera and tripod to the Waldorf Hotel in New York City.

104. Ms. Shih and Mr. Liu met in the lobby of the Waldorf Hotel. However, after seeing Ms. Shih, Mr. Liu said that he would have to reschedule the recording because Ms. Shih was still wearing braces at that time, and he did not want to record Ms. Shih with her braces on. At that meeting, Ms. Shih observed that Mr. Liu appeared intoxicated and smelled of alcohol.

105. After Ms. Shih got her braces removed on August 31, 2012, she followed up with Mr. Liu by email to thank him for the opportunity. She said that she would be interested in interviewing for the position the next time Mr. Liu was in New York.

106. On September 7, 2012, Mr. Liu emailed Ms. Shih and invited her to breakfast that Sunday to discuss working for Phoenix. She met Mr. Liu in the lobby of the Waldorf Hotel on September 9, 2012. She brought her tripod and camcorder with her. However, after leaving for the hotel, Ms. Shih realized that she had forgotten her memory card, and therefore could not record her reporting. She informed Mr. Liu of this fact. He assured her that it was okay, and that, after breakfast, they could “pretend” to record Ms. Shih’s reporting in his hotel room.

107. After breakfast, Ms. Shih took the elevator with Mr. Liu to the Presidential Suite at the Waldorf Hotel where Mr. Liu was staying. She commented on the size of his room. Mr. Liu told her that he was staying in such a large room because he had planned to record Ms. Shih. He then suggested they pretend to record, so he could see what Ms. Shih would look like on camera.

108. Mr. Liu set up the camera, and they pretended to record Ms. Shih’s reporting. As Ms. Shih began packing up the camcorder and tripod, Mr. Liu wrapped his arms around Ms. Shih and pressed his body against her. After Mr. Liu had not released Ms. Shih from his arms after a

few seconds, she became frightened and shocked. Mr. Liu held Ms. Shih tightly in his arms for about a minute. Mr. Liu asked Ms. Shih if she missed her parents and if she wanted to go back to Taiwan. He tried to look at her face and told her that she had “beautiful eyes.” Ms. Shih did not say anything, lowered her head, and pulled away. After Mr. Liu released Ms. Shih, she collected her belongings and left. The message that Mr. Liu sent to Ms. Shih through his behavior was that if she wanted a job at Phoenix’s New York bureau, she would have to give in to his unwanted sexual advances.

109. Following the incident, Ms. Shih called Ching-Yi Chang, another Phoenix employee in the Washington bureau, and reported what Mr. Liu had done. Ms. Shih had dated Mr. Chang in the past, a fact of which Mr. Liu was aware. Mr. Chang told Ms. Shih that Mr. Liu had sexually harassed other female employees and interns at Phoenix. He also informed her that another Phoenix employee, Bingru Wang, was going to sue Mr. Liu for sexual harassment, and Ms. Wang wanted Ms. Shih to act as a witness in her case.

110. Immediately following the incident, Ms. Shih had trouble sleeping and could not eat for several days because Mr. Liu’s behavior had so frightened her. She spoke with her roommate, who works as a counselor, and cried as she recalled what happened. Ms. Shih was so depressed and upset that she took the following day, Monday, September 10, 2012 off of work.

111. On September 11, 2012, Ms. Shih emailed Mr. Liu to follow up about the position at Phoenix. She was unsure whether she wanted to work at Phoenix after what had happened and did not know whether she was going to act as a witness in Ms. Wang’s case. However, she did not want to make Mr. Liu suspicious, so she acted as if nothing unusual had happened. Mr. Liu told Ms. Shih on September 12, 2012 and that he needed to fire people before he could give her a job, which was false.

112. On September 17, 2012, Mr. Liu called Ms. Shih and asked her to “guess who it was.” Ms. Shih pretended to not know who was calling and cut the conversation short. She felt uncomfortable talking to Mr. Liu on the telephone, so she emailed him to ask why he had called. Although Mr. Liu asked Ms. Shih to call him back, she did not want to speak with him on the telephone. On September 19, 2014, she told him, via email, that she had lost her phone to avoid speaking to him. She was so alarmed that Mr. Liu had contacted her by phone that she changed her telephone number.

113. On September 20, 2012, Mr. Liu emailed Ms. Shih to tell her that there was an available position at Phoenix’s Los Angeles office. However, she was interested in working only in New York, as Mr. Liu was well aware. On September 26, 2012, she emailed Mr. Liu to let him know that she could not accept the position because she was unfamiliar with Los Angeles and wanted to remain in New York, as she had already indicated. Mr. Liu said he understood and would contact Ms. Shih if any positions became available in New York.

114. After Mr. Liu emailed Ms. Shih on September 26, 2012, he did not contact her about the reporter position in New York. This is despite the fact that when they spoke over the summer on multiple occasions, Mr. Liu assured her that a reporting position would become available and that he would hire her.

115. On February 25, 2013, Ms. Shih filed an EEOC complaint against Phoenix.

116. Mr. Liu’s sexual harassment has caused Ms. Shih great stress and depression. Ms. Shih wanted to advance in her career in the journalism industry, but, for months after Mr. Liu’s assault, she remained frightened that Mr. Liu would hurt her chances of getting other journalism jobs. Ms. Shih has not been on any interviews for a journalism position since interviewing with Mr. Liu because Mr. Liu’s behavior traumatized her. Ms. Shih has since left

the journalism industry, and has moved back to Taiwan to work in public relations at a technology company.

Retaliation After Mr. Liu's Termination

117. Phoenix has continued to retaliate against Plaintiffs Chang and Liu since Mr. Liu's termination on or about December 31, 2012. This retaliation has taken the form of unwarranted workplace discipline and tolerating and encouraging threatening and retaliatory conduct directed at Ms. Chang and Ms. Liu by their co-worker, David Lai.

118. After Defendants terminated Mr. Liu in response to Plaintiffs' demands in December 2012, Phoenix replaced him with Tao Lu as the new bureau chief overseeing the New York and Washington bureaus.

119. The first victims of Phoenix and Phoenix Hong Kong's retaliation through the new bureau chief, Tao Lu, were four male Phoenix employees in the Washington bureau who supported Bingru Wang's harassment complaint to the EEOC in September 2012 — Meixing Ren, Ching-Yi Chang, Haipei Shue, and Taofeng Wang. Defendants terminated Mr. Shue in December 2012, effectively demoted Mr. Wang and Mr. Chang by changing their job titles or grossly reducing their access to high-profile news assignments, and repeatedly taking unwarranted disciplinary actions against Mr. Ren, culminating in his termination in July 2013. These four employees, along with former intern and victim of Mr. Liu's sexual harassment Fangyuan Liu, filed suit against Phoenix in the U.S. District Court for the District of Columbia on July 19, 2013.

120. In March 2013, Phoenix and Phoenix Hong Kong, acting through Mr. Lu, selected David Lai for an internship as a cameraman in the New York bureau. Mr. Lai's brother, Dan Lai, is an employee in the Washington bureau. After the internship concluded, Tao Lu then

hired Mr. Lai for a permanent position as a cameraman in the New York bureau in September 2013 — as is the case with all of Phoenix’s hiring for the East Coast offices, Phoenix and Phoenix Hong Kong gave Tao Lu the discretion to hire employees through an informal process based on personal relationships with company managers.

121. Mr. Lai quickly proved to be an incompetent employee who frequently arrived late, left early, and delayed assignments so that additional work fell on his colleagues in the New York bureau.

122. Plaintiffs Chang and Liu began to notice the additional workload they had to shoulder as a result of Mr. Lai’s absenteeism, and complained to Tao Lu on or about September 12, 2013 that Mr. Lai was claiming overtime falsely.

123. It was clear from Mr. Lai’s communications with Mr. Lu about the Ms. Chang’s and Ms. Liu’s complaint that Phoenix characterized the Plaintiffs’ complaints about Mr. Liu’s sexual harassment and retaliation as “insubordination.” In a September 12, 2013 e-mail, Mr. Lu quoted Mr. Lai’s response regarding overtime in an e-mail to Ms. Liu. That quote contained the following: “Overall, Bingying and heidi are just provoking false accusations to better justify that they are being “discriminated”. It is no secret in the office about the ongoing case, especially after Lu Ningsi came to NY to brief all the employees about the situation with Phoenix and it's insubordinate employees.” (sic). Ningsi Lu is a senior executive at Phoenix Hong Kong who traveled to the U.S. bureaus following Phoenix and Phoenix Hong Kong’s unlawful termination of Mr. Ren in July 2013.

124. Mr. Lai explicitly referred to the Ms. Liu’s and Ms. Chang’s EEOC complaints in a September 13, 2013 text message to Ms. Liu. Writing at about 9:00 AM, he stated “before i came to ny i already knew about u n heidi’s deviant intentions to get some money from this case

... all u phoenix snakes didn't get a single penny ... Pathetic. Disgusting.whorish.” Mr. Lai’s comments indicated that he intended to retaliate against Plaintiffs Liu and Chang on the basis that they had filed sex discrimination charges against Phoenix.

125. Ms. Liu forwarded this communication to Mr. Lu the same day and asked him to address Mr. Lai’s behavior. Ms. Chang also contacted Mr. Lu via text message about Mr. Lai’s behavior on September 13, 2013.

126. Phoenix took no action to reprimand Mr. Lai or stop Mr. Lai’s attack on Plaintiffs.

127. Mr. Lai continued to arrive late to the office and to leave early, yet nonetheless claimed overtime as though he worked more than 40 hours per week. On September 25, 2013, Ms. Liu wrote to Mr. Lu documenting these problems again.

128. Mr. Lai denied that he had been fraudulently claiming overtime in a September 26, 2013 e-mail to Mr. Lu. To resolve the dispute and demonstrate that Mr. Lai was not being honest with the company, Ms. Liu contacted the administrative staff with the Associated Press, from which the company leases its New York bureau space. The staff readily provided her with an accounting of Mr. Lai’s entry and exit times based on the use of his keycard to access the building.

129. Mr. Lai then became violent in the workplace. On September 26, 2013, he learned from an employee of the Associated Press that Ms. Liu had, as part of her objections to his absenteeism, obtained copies of the entry logs for the building that reflected Mr. Lai’s routinely late arrivals at the New York bureau. Mr. Lai stormed into the office at approximately 6:30 PM and approached Ms. Liu while she was speaking with Ms. Chang in her cubicle. Seeing that Ms. Liu had a copy of the entry log report in her hands, he rushed over and tore the

document out of her hands and drove her arm toward a shelving unit, resulting in a cut and bruise on Ms. Liu's hand.

130. Mr. Lai then stepped out into the hallway and paced while speaking on his cell phone. Ms. Liu contacted her husband via text message and stated that she felt unsafe and asked him to come to the office.

131. Before her husband arrived, Ms. Liu then attempted to move some of Mr. Lai's belongings — his laptop and several food items — from her desk. Mr. Lai approached, slapped her hands away from his possessions, and then left the office.

132. On September 30, 2013, Mr. Lai continued to behave in an aggressive and bizarre fashion in the office. When Ms. Liu stepped away from her desk to speak with cameraman Guang Fu Jiang, she returned to find Mr. Lai sitting at her computer reading her e-mail. Ms. Chang and two interns, Mu Wang and Mu Chen, witnessed Mr. Lai scrutinizing Ms. Liu's e-mail. When Ms. Liu asked Mr. Lai what he was doing, he responded that he was reading a script — yet he and Ms. Liu had no joint projects or assignments scheduled for another two weeks.

133. Mr. Lu took action regarding Mr. Lai's behavior *only* once building security became involved. Concerned about Mr. Lai's continuing hostility toward her and Ms. Chang, Ms. Liu met with the Associated Press security officer Danny Spriggs on September 30 and he revoked Mr. Lai's access to the building. Only after Mr. Spriggs insisted on denying Mr. Lai access to the office did Mr. Lu agree to place Mr. Lai on administrative leave.

134. On October 5, 2013, Ms. Liu e-mailed a detailed account of Mr. Lai's behavior to Katy Edwards, the Human Resources manager for Phoenix in Los Angeles. Ms. Liu filed an internal complaint with the company on October 11, 2013.

135. On October 18, 2013, Ms. Edwards notified Ms. Liu via e-mail that Phoenix “has decided to appoint a third party investigator who will be conducting a investigation.” The company that Phoenix retained, Kroll Associates, began meeting with employees at the New York bureau in November 2013.

136. Ms. Liu cooperated with the Kroll investigators, and met with them on November 13, 2013 and November 21, 2013, to discuss what took place.

137. During this purported investigation into David Lai’s behavior to determine if discipline was warranted — a process that took months and has yielded no conclusion from Phoenix — Mr. Lu was quick to discipline Ms. Liu on frivolous grounds.

138. On November 21, 2013, technicians installed surveillance cameras in the New York bureau at Phoenix’s request and under Mr. Lu’s supervision. When Ms. Liu recorded the technicians installing the cameras, Mr. Lu became agitated and reprimanded her, issuing a written warning.

139. The written warning purported to be based on two grounds: first, that Ms. Liu is not permitted to take photos in the office unless they are work-related and second, that she displayed disobedience to Mr. Lu when she stated “this is my office,” referring to her workspace. Mr. Lu admonished Ms. Liu on the latter point because of his concern that her statement will lead her colleagues to believe she “can do whatever in it as you like,” when in reality “the office is currently a leased property of the company.”

140. This written discipline was baseless — not only was there no written policy against an employee taking a photo of the interior of the office, no reasonable person could believe that the statement “this is my office” was intended to be taken literally and refer to the

entire rental space. Phoenix's discipline was retaliatory because of Ms. Liu's pursuit of her discrimination and retaliation claims.

141. To date, Mr. Lai has not been terminated and continues to be copied on e-mails to the New York staff, but he does not work on assignments and does not appear to have any responsibilities while on leave. Mr. Lu included Mr. Lai on office-wide e-mail communications and meeting invitations in late February 2014, yet Mr. Lai did not appear at the scheduled meetings and does not correspond with Ms. Chang or Ms. Liu. More than six months have elapsed since Mr. Lai's assault of Ms. Liu in September 2013, and although no investigators appear to have spoken with the New York staff since January 2014, Mr. Lai remains on indefinite leave. Neither Phoenix nor Phoenix Hong Kong has told Ms. Liu or Ms. Chang any conclusions reached as a result of the investigation.

142. On April 14, 2014, Phoenix made the salaries and leave status of its employees available to several staff members in the Bureau offices to review, including Ms. Liu. Phoenix listed Mr. Lai among the employees who are still drawing a salary and accruing paid leave — his suspension has in effect been nothing more than a paid vacation that has run more than four months.

143. Phoenix and Phoenix Hong Kong's conduct, through their agent Tao Lu, reflect a willingness to protect employees who retaliate against the Plaintiffs. Rather than discipline Mr. Lai after he made clear his intention to retaliate against Plaintiffs Chang and Liu, the company has given him indefinite paid leave.

COUNT ONE

**HEIDI CHANG AND BINGYING LIU AGAINST PHOENIX U.S.
HOSTILE WORK ENVIRONMENT SEXUAL HARASSMENT
IN VIOLATION OF TITLE VII OF THE CIVIL RIGHTS ACT,
42 U.S.C. § 2000e-1 *et seq.***

144. Plaintiffs Chang and Liu restate and incorporate by reference each paragraph above, as though fully set forth herein.

145. Phoenix is an employer as that term is defined in Title VII, because it employs more than fifteen employees.

146. Mr. Liu exercised managerial authority over Phoenix's East Coast bureaus, in particular the company's offices in New York City and Washington, D.C.

147. Plaintiffs are members of a protected class as Title VII proscribes discrimination on the basis of sex and Plaintiffs are female employees.

148. Plaintiffs are employees of Defendant because Defendant Phoenix, through its agent Mr. Liu, supervised and directed their work at the New York bureau, and compensated them for that work.

149. To coerce or seek to coerce an employee into a sexual relationship with a supervisor is a form of gender discrimination and violates Title VII.

150. To harass an employee on the basis of that employee's gender, including subjecting that employee to humiliating criticism, unwarranted workplace demands, and overt sexually aggressive remarks or actions is a form of gender discrimination and violates Title VII.

151. Phoenix, through Mr. Liu's actions, subjected Plaintiff Chang to a sexually hostile work environment because Mr. Liu made repeated unwelcome sexual overtures to Plaintiff Chang, touched Plaintiff Chang inappropriately on a recurring basis for more than five years, and made unwelcome and offensive comments about sexual matters, including rape, in Ms. Chang's

presence. Mr. Liu's unwelcome, offensive, and repeated conduct interfered with the terms and conditions of Plaintiff Chang's employment by forcing her to tolerate repeated sexually motivated and humiliating behavior from her supervisor as a routine part of her job.

152. Phoenix, through Mr. Liu's actions, subjected Plaintiff Liu to a sexually hostile work environment because Mr. Liu made unwelcome sexual overtures to Plaintiff Liu, and when those overtures were rejected, punished her through years of unwarranted criticism, humiliating attacks on her competence in front of co-workers, and imposing unfair job requirements — such as an unrealistic story production quota — that were not applied to her male co-workers. Mr. Liu's repeated unwelcome and offensive conduct interfered with the terms and conditions of Plaintiff Liu's employment by forcing her to tolerate repeated unwelcome, hostile and humiliating behavior from her supervisor as a routine part of her job after she refused to have sexual relations with Mr. Liu.

153. Both Plaintiff Liu and Plaintiff Chang were also aware of Mr. Liu's inappropriate and demeaning treatment of women in the New York bureau, as well as his sexually aggressive and inappropriate behavior toward female interns. Ms. Liu was made aware of Mr. Liu's sexual harassment of intern Qian Chen during the Summer of 2012, when Ms. Chen sought Ms. Liu's advice on how to deal with Mr. Liu's sexual advances. Ms. Chang witnessed Mr. Liu inappropriately touch multiple female interns in the office over her more than six years of employment with Phoenix, and also learned from former intern Lihuan Wang about Mr. Liu's sexual advances toward her in the Summer of 2010.

154. As a result of Phoenix's actions, Plaintiffs Chang and Liu suffered non-pecuniary injuries, including pain, suffering, humiliation and emotional distress.

155. Phoenix's actions described above were in willful and wanton disregard of Plaintiffs' rights, and were taken maliciously to injure them.

COUNT TWO

**ANNE SHIH AGAINST PHOENIX SATELLITE TELEVISION US, INC.
QUID PRO QUO SEXUAL HARASSMENT
IN VIOLATION OF TITLE VII OF THE CIVIL RIGHTS ACT,
42 U.S.C. § 2000e-1 *et seq.***

156. Plaintiff Shih restates and incorporates by reference each paragraph above, as though fully set forth herein.

157. Mr. Liu exercised managerial authority over Phoenix's East Coast bureaus, in particular the company's offices in New York City and Washington, D.C.

158. Ms. Shih is a member of a protected class as Title VII prohibits discrimination on the basis of sex and Plaintiff was a female candidate for employment at Phoenix.

159. Mr. Liu, as Phoenix's agent and supervisor of the East Coast bureaus, initially offered Plaintiff employment at the company's New York bureau, after she stated that was the position she could accept.

160. Because of her education, including a Master's degree, and prior work experience, Plaintiff was qualified for a position with Defendant, as her qualifications were equal or superior to those of other employees whom the Defendant already employed at its U.S. offices.

161. Mr. Liu then, at a job interview with Plaintiff on or about September 9, 2012, sexually propositioned Plaintiff. Plaintiff rejected his advances and left the hotel room.

162. In retaliation for Ms. Shih's rejection of his sexual advances, Mr. Liu then withdrew the opportunity to work at the New York bureau and suggested Plaintiff might be able to work in Los Angeles, a position he knew she would not accept.

163. By linking future employment opportunities with Phoenix to acceding to his sexual demands, Mr. Liu discriminated against Plaintiff Shih on the basis of gender. Mr. Liu ceased offering the position in the New York bureau when his requests for sexual activity were rejected, thereby denying Plaintiff the position she applied for at Phoenix.

164. Despite Plaintiff's qualifications, Defendant refused to hire Plaintiff Shih for the New York City position, because Plaintiff did not accede to Mr. Liu's sexual advances.

165. As a result of Phoenix's actions, Plaintiff suffered pecuniary injuries, including future economic loss, and non-pecuniary injuries, including pain, suffering, humiliation and emotional distress.

166. Phoenix's actions described above were in willful and wanton disregard of Plaintiff's rights, and were taken maliciously to injure her.

COUNT THREE

**ANNE SHIH AGAINST PHOENIX SATELLITE TELEVISION (U.S.), INC.
RETALIATION
IN VIOLATION OF TITLE VII,
42 U.S.C. § 2000e-1 *et seq.***

167. Plaintiff Shih restates and incorporates by reference each paragraph above, as though fully set forth herein.

168. Mr. Liu had full managerial authority over Phoenix's East Coast bureaus, in particular the company's offices in New York City and Washington, D.C., including the authority to interview, hire and terminate Phoenix interns and permanent employees.

169. In July and August 2012, Plaintiff repeatedly expressed interest in, and sought to be formally hired for, a permanent position with Phoenix at the New York bureau.

170. Plaintiff applied for a reporter position in Phoenix's New York City office by meeting with Mr. Liu to interview for the position, including a meeting on or about September 9,

2012, that Mr. Liu described as a meeting about the job opportunity. Mr. Liu told her at the time that a job opportunity was available.

171. Plaintiff was qualified for a position with Phoenix, because she possessed a Master's degree and had relevant work experience in video journalism.

172. At the September 9, 2012 interview, Mr. Liu made sexual advances toward Ms. Shih, which she rejected.

173. Plaintiff engaged in a protected activity under Title VII, which protects opposition to discriminatory employer conduct, including gender discrimination. Plaintiff's protected activities included refusing Mr. Liu's sexual advances on or about September 9, 2012, at the job interview.

174. In retaliation for Ms. Shih engaging in the protected activity of refusing his sexual advances, Mr. Liu withdrew his offer of future employment in the New York bureau, and thereby denied Ms. Shih future employment with Phoenix. Mr. Liu then falsely claimed that he could only hire Plaintiff for a possible position in Los Angeles, a position he knew Plaintiff would not accept.

175. As a result of Phoenix's actions, Plaintiff suffered pecuniary injuries, including future economic loss, and non-pecuniary injuries, including pain, suffering, humiliation and emotional distress.

176. Phoenix's actions described above were in willful and wanton disregard of Plaintiff's rights, and were taken maliciously to injure her.

COUNT FOUR

**BINGYING LIU AGAINST PHOENIX SATELLITE TELEVISION (U.S.) INC.,
FOR RETALIATION
IN VIOLATION OF TITLE VII,
42 U.S.C. § 2000e-1 *et seq.***

177. Plaintiff Liu restates and incorporates by reference each paragraph above, as though fully set forth herein.

178. Mr. Liu exercised managerial authority over Phoenix's East Coast bureaus, in particular the company's offices in New York City and Washington, D.C.

179. Title VII prohibits retaliation against an employee who engages in protected activity, which includes opposing sex harassment made unlawful by Title VII.

180. Ms. Liu engaged in protected activity by refusing to accede to Mr. Liu's sexual advances after she began working at Phoenix's New York bureau in 2011.

181. Mr. Liu, as Phoenix's agent, retaliated against Ms. Liu after she refused his sexual advances by forcing her to perform demanding assignments without the resources given to other reporters who had not refused his sexual advances, such as a cameraman, and by subjecting her to constant workplace criticism, including humiliating her in front of co-workers by demanding that she write a "self-critical letter."

182. Mr. Liu only began taking these hostile actions after Plaintiff refused his sexual advances, and his comments to her repeatedly referenced her refusal to "obey" him, even though she performed well at her job.

183. As a result of Phoenix's actions, Plaintiff suffered emotional injuries, including depression, shame and humiliation.

184. Phoenix's actions described above were in willful and wanton disregard of Plaintiff's rights, and were taken maliciously to injure her.

COUNT FIVE

**HEIDI CHANG AND BINGYING LIU AGAINST PHOENIX
AND PHOENIX HONG KONG FOR
RETALIATION
IN VIOLATION OF TITLE VII,
42 U.S.C. § 2000e-1 *et seq.***

185. Plaintiffs Chang and Liu restate and incorporate by reference each paragraph above, as though fully set forth herein.

186. Tao Lu, the East Coast bureau chief who replaced Mr. Liu on January 1, 2013, is an officer of both Phoenix and Phoenix Hong Kong.

187. Title VII prohibits retaliation against employees who engaged in protected activities, which includes filing a charge of discrimination with the EEOC.

188. On February 25, 2013, Plaintiffs Chang and Liu filed administrative charges with the EEOC, and Defendants were aware of this filing.

189. Defendants, through their agent Tao Lu, have retaliated against Ms. Chang and Ms. Liu by permitting, and possibly encouraging, their co-worker in the New York bureau, David Lai, to intimidate and assault them.

190. Mr. Lai, in a September 13, 2013 text message, described Ms. Chang and Ms. Liu as "whorish" because they had filed complaints against the company.

191. Mr. Lu was made aware of Mr. Lai's retaliatory threats against Plaintiffs when they forwarded communications from Mr. Lai to him in September 2013, yet the company knowingly refused to discipline Mr. Lai or prevent further misconduct.

192. After the Defendants failed to discipline Mr. Lai, he then assaulted Plaintiffs in the office on September 26, 2013. Once again, the Defendants failed to take action — Phoenix and Phoenix Hong Kong only agreed to suspend Mr. Lai because the office's building management, the Associated Press, revoked his access to the building on September 30, 2013.

193. Since then, the company has continued to pay Mr. Lai while he is on indefinite leave from the New York bureau.

194. As a result of Phoenix's actions, Plaintiffs Chang and Liu suffered non-pecuniary injuries, including pain, suffering, humiliation and emotional distress.

195. Defendants' actions described above were taken were in willful and wanton disregard of Plaintiffs' rights, and were taken maliciously to injure them.

COUNT SIX

**HEIDI CHANG AND BINGYING LIU AGAINST ALL DEFENDANTS
HOSTILE WORK ENVIRONMENT SEXUAL HARASSMENT
IN VIOLATION OF THE NEW YORK STATE HUMAN RIGHTS LAW,
N.Y. EXEC. LAW § 290 *et seq.***

196. Plaintiffs Chang and Liu restate and incorporate by reference each paragraph above, as though fully set forth herein.

197. Phoenix and Phoenix Hong Kong are employers as that term is defined in the NYSHRL, because together they employ more four persons in the State of New York.

198. Zhengzhu Liu is a proper individual defendant employer under the NYSHRL because he directly participated in the discriminatory conduct against Plaintiffs, exercised managerial authority on behalf of Phoenix and Phoenix Hong Kong over the East Coast bureaus, in particular the company's offices in New York City and Washington, D.C., and was an officer of both companies.

199. Plaintiffs are members of a protected class as the NYSHRL proscribes discrimination on the basis of sex and Plaintiffs are female employees.

200. Plaintiffs are employees of Defendants Phoenix and Phoenix Hong Kong because Defendants Phoenix and Phoenix Hong Kong, through their agent Mr. Liu, supervised and directed employees' work at the New York bureau, and compensated them for that work.

201. To coerce or seek to coerce an employee into a sexual relationship with a supervisor is a form of gender discrimination and violates the NYSHRL.

202. To harass an employee on the basis of that employee's gender, including subjecting that employee to humiliating criticism, unwarranted workplace demands, and overt sexually aggressive remarks or actions is a form of gender discrimination and violates the NYSHRL.

203. Phoenix and Phoenix Hong Kong, through Mr. Liu's actions, subjected Plaintiff Chang to a sexually hostile work environment because Mr. Liu made repeated unwelcome and offensive sexual overtures to Plaintiff Chang, touched Plaintiff Chang inappropriately repeatedly over a five-year period, and made unwelcome and offensive comments about sexual matters, including rape, in Ms. Chang's presence. Mr. Liu's repeated unwelcome and offensive conduct interfered with the terms and conditions of Plaintiff Chang's employment by forcing her to tolerate repeated sexually motivated and humiliating behavior from her supervisor as a routine part of her job.

204. Phoenix and Phoenix Hong Kong, through Mr. Liu's actions, subjected Plaintiff Liu to a sexually hostile work environment because Mr. Liu made unwelcome sexual overtures to Plaintiff Liu, and when those overtures were rejected, punished her through years of unwarranted criticism, humiliating attacks on her competence in front of co-workers, and

imposing unfair job requirements — such as an unrealistic story production quota — that were not applied to her male co-workers. This unwelcome, offensive, and repeated conduct by Mr. Liu clearly interfered with the terms and conditions of Plaintiff Liu's employment by forcing her to tolerate Mr. Liu's repeated unwelcome, hostile and humiliating behavior as a routine part of her job after she refused to have sexual relations with Mr. Liu.

205. Both Plaintiff Liu and Plaintiff Chang were also aware of Mr. Liu's inappropriate and demeaning treatment of women in the New York bureau, as well as his sexually aggressive and inappropriate behavior toward female interns. Ms. Liu was made aware of Mr. Liu's sexual harassment of intern Qian Chen during the Summer of 2012, when Ms. Chen sought Ms. Liu's advice on how to deal with Mr. Liu's sexual advances. Ms. Chang witnessed Mr. Liu inappropriately touch multiple female interns in the office over her more than six years of employment with Phoenix, and also learned from former intern Lihuan Wang about Mr. Liu's sexual advances toward her in the Summer of 2010.

206. As a result of Phoenix's, Phoenix Hong Kong's and Mr. Liu's actions, Plaintiffs Chang and Liu suffered non-pecuniary injuries, including pain, suffering, humiliation and emotional distress.

207. Defendants' actions described above were taken were in willful and wanton disregard of Plaintiffs' rights, and were taken maliciously to injure them.

COUNT SEVEN

**ANNE SHIH AGAINST ALL DEFENDANTS FOR
QUID PRO QUO SEXUAL HARASSMENT
IN VIOLATION OF THE NEW YORK STATE HUMAN RIGHTS LAW,
N.Y. EXEC. LAW § 290 *et seq.***

208. Plaintiff Anne Shih restates and incorporates by reference each paragraph above, as though fully set forth herein.

209. Plaintiff is a member of a protected class as the NYSHRL prohibits discrimination on the basis of sex and Plaintiff was a female candidate for employment at Phoenix.

210. Mr. Liu, as Phoenix's agent and supervisor of the East Coast bureaus, initially offered Plaintiff employment at the company's New York bureau, after she stated that was the position she could accept.

211. Because of her education, including a Master's degree, and prior work experience, Plaintiff was qualified for a position with Defendant, as her qualifications were equal or superior to those of other employees whom the Defendant already employed at its U.S. offices.

212. Mr. Liu then, at a job interview with Plaintiff on or about September 9, 2012, sexually propositioned Plaintiff. Plaintiff rejected his advances and left the hotel room.

213. In retaliation for Ms. Shih's rejection of his sexual advances, Mr. Liu then withdrew the opportunity to work at the New York bureau and suggested Plaintiff might be able to work in Los Angeles, a position he knew she would not accept.

214. By linking future employment opportunities with Phoenix to acceding to his sexual demands, Mr. Liu discriminated against Plaintiff Shih on the basis of gender. Mr. Liu withdrew the position in the New York bureau when his requests for sexual activity were rejected, thereby denying Plaintiff the position she applied for at Phoenix.

215. Despite Plaintiff's qualifications, Defendant refused to hire Plaintiff Shih for the New York City position, because Plaintiff did not accede to Mr. Liu's sexual advances.

216. As a result of Defendants' actions, Plaintiff suffered pecuniary injuries, including future economic loss, and non-pecuniary injuries, including pain, suffering, humiliation and emotional distress.

217. Defendants' actions described above were taken were in willful and wanton disregard of Ms. Shih's rights, and were taken maliciously to injure her.

COUNT EIGHT

**ANNE SHIH AGAINST ALL DEFENDANTS
RETALIATION
IN VIOLATION OF THE NEW YORK STATE HUMAN RIGHTS LAW,
N.Y. EXEC. LAW § 290 *et seq.***

218. Plaintiff Shih restates and incorporates by reference each paragraph above, as though fully set forth herein, and further states the following:

219. In July and August 2012, Plaintiff Shih repeatedly expressed interest in, and sought to be formally hired for, a permanent position with Phoenix at the New York bureau.

220. Plaintiff applied for a reporter position in Phoenix's New York City office by meeting with Mr. Liu to interview for the position, including a meeting on or about September 9, 2012, that Mr. Liu described as a meeting about the job opportunity. Mr. Liu told her at the time that a job opportunity was available.

221. Plaintiff was qualified for a position with Phoenix, because she possessed a Master's degree and had relevant work experience in video journalism.

222. At the September 9, 2012 interview, Mr. Liu made sexual advances toward Ms. Shih, which she rejected.

223. Plaintiff engaged in a protected activity under the NYSHRL, which protects opposition to “any practices forbidden” by the NYSHRL, including sex discrimination. Plaintiff’s protected activities included refusing Mr. Liu’s sexual advances on or about September 9, 2012.

224. In retaliation for Ms. Shih engaging in the protected activity of refusing his sexual advances, Mr. Liu withdrew his offer of future employment in the New York bureau, and thereby denied Ms. Shih future employment with Phoenix. Mr. Liu then falsely claimed that he could only hire Plaintiff for a possible position in Los Angeles, a position he knew Plaintiff would not accept.

225. As a result of Phoenix’s actions, Plaintiff suffered pecuniary injuries, including future economic loss, and pecuniary injuries, including pain, suffering, humiliation, and emotional distress.

226. Defendants’ actions described above were taken were in willful and wanton disregard of Ms. Shih’s rights, and were taken maliciously to injure her.

COUNT NINE

**BINGYING LIU AGAINST ALL DEFENDANTS FOR
RETALIATION
IN VIOLATION OF THE NEW YORK STATE HUMAN RIGHTS LAW,
N.Y. EXEC. LAW § 290 *et seq.***

227. Plaintiff Liu restates and incorporates by reference each paragraph above, as though fully set forth herein.

228. Mr. Liu exercised managerial authority over Phoenix’s and Phoenix Hong Kong’s East Coast bureaus, in particular the Defendants’ offices in New York City and Washington, D.C.

229. The NYSHRL prohibits retaliation against an employee who engages in protected activity, which includes opposing sex harassment made unlawful by the NYSHRL.

230. Plaintiff engaged in protected activity by refusing to accede to Mr. Liu's sexual advances in or about July 19, 2011, after she began working at Phoenix's New York bureau.

231. Mr. Liu, as Phoenix's and Phoenix Hong Kong's agent, retaliated against Ms. Liu after she refused his sexual advances by forcing her to perform demanding assignments without the resources given to other reporters who had not refused his sexual advances, such as a cameraman, and by subjecting her to constant workplace criticism, including humiliating her in front of co-workers by demanding that she write a "self-critical letter."

232. Mr. Liu only began taking these hostile actions after Plaintiff refused his sexual advances, and his comments to her repeatedly reference her refusal to "obey" him, even though she performed well at her job.

233. As a result of Defendants' actions, Plaintiff suffered non-pecuniary injuries, including depression, shame and humiliation.

234. Defendants' actions described above were taken were in willful and wanton disregard of Ms. Liu's rights, and were taken maliciously to injure her.

COUNT TEN

**HEIDI CHANG AND BINGYING LIU AGAINST ALL DEFENDANTS FOR
RETALIATION
IN VIOLATION OF THE NEW YORK STATE HUMAN RIGHTS LAW,
N.Y. EXEC. LAW § 290 *et seq.***

235. Plaintiffs Chang and Liu restate and incorporate by reference each paragraph above, as though fully set forth herein.

236. Tao Lu, the East Coast bureau chief, is an officer of both Phoenix and Phoenix Hong Kong.

237. The NYSHRL prohibits retaliation against employees who engaged in protected activities, which includes filing a charge of discrimination with the EEOC.

238. On February 25, 2013, Plaintiffs Chang and Liu filed administrative charges with the EEOC, and Defendants were aware of this filing.

239. Defendants, through their agent Tao Lu, have retaliated against Ms. Chang and Ms. Liu by permitting, and possibly encouraging, their co-worker in the New York bureau, David Lai, to intimidate and assault them.

240. Mr. Lai, in a September 13, 2013 text message, described Ms. Chang and Ms. Liu as “whorish” because they had filed complaints against the company.

241. Mr. Lu was made aware of Mr. Lai’s retaliatory threats against Plaintiffs when they forwarded communications from Mr. Lai to him in September 2013, yet the company knowingly refused to discipline Mr. Lai or prevent further misconduct.

242. After the Defendants failed to discipline Mr. Lai, he then assaulted Plaintiffs in the office on September 26, 2013. Once again, the Defendants failed to take action — Phoenix and Phoenix Hong Kong only agreed to suspend Mr. Lai because the office’s building management, the Associated Press, revoked his access to the building on September 30.

243. Since then, the company has continued to pay Mr. Lai while he is on indefinite leave from the New York bureau.

244. As a result of Phoenix’s actions, Plaintiffs Chang and Liu suffered non-pecuniary injuries, including pain, suffering, humiliation and emotional distress.

245. Defendants' actions described above were taken were in willful and wanton disregard of Plaintiffs' rights, and were taken maliciously to injure them.

COUNT ELEVEN

**HEIDI CHANG AND BINGYING LIU AGAINST ALL DEFENDANTS
HOSTILE WORK ENVIRONMENT SEXUAL HARASSMENT
IN VIOLATION OF THE NEW YORK CITY HUMAN RIGHTS LAW,
N.Y.C. ADMINISTRATIVE CODE § 8-101 *et seq.***

246. Plaintiffs Chang and Liu restate and incorporate by reference each paragraph above, as though fully set forth herein.

247. Phoenix and Phoenix Hong Kong are employers as that term is defined in the NYCHRL, because together they employ more than four persons in New York City.

248. Zhengzhu Liu is a proper individual defendant employer under the NYCHRL because he directly participated in the discriminatory conduct against Plaintiff, exercised managerial authority on behalf of Phoenix and Phoenix Hong Kong over the East Coast bureaus, in particular the company's offices in New York City and Washington, D.C., and was an officer of both companies.

249. Plaintiffs are members of a protected class as the NYCHRL proscribes discrimination on the basis of sex and Plaintiffs are female employees.

250. Plaintiffs are employees of Defendants Phoenix and Phoenix Hong Kong because Defendants Phoenix and Phoenix Hong Kong, through their agent Mr. Liu, supervised and directed their work at the New York bureau, and compensated them for that work.

251. To coerce or seek to coerce an employee into a sexual relationship with a supervisor is a form of gender discrimination and violates the NYCHRL.

252. To harass an employee on the basis of that employee's gender, including subjecting that employee to humiliating criticism, unwarranted workplace demands, and overt

sexually aggressive remarks or actions is a form of gender discrimination and violates the NYCHRL.

253. Phoenix and Phoenix Hong Kong, through Mr. Liu's actions, subjected Plaintiff Chang to a sexually hostile work environment because Mr. Liu made repeated unwelcome sexual overtures to Plaintiff Chang, touched Plaintiff Chang inappropriately on a recurring basis for more than five years, and made unwelcome and offensive comments about sexual matters, including rape, in Ms. Chang's presence. This unwelcome, offensive, and repeated conduct by Mr. Liu clearly interfered with the terms and conditions of Plaintiff Chang's employment by forcing her to tolerate repeated unwelcome, sexually motivated and humiliating behavior from her supervisor as a routine part of her job.

254. Phoenix and Phoenix Hong Kong, through Mr. Liu's actions, subjected Plaintiff Liu to a sexually hostile work environment because Mr. Liu made unwelcome sexual overtures to Plaintiff Liu, and when those overtures were rejected, punished her through years of unwarranted criticism, humiliating attacks on her competence in front of co-workers, and imposing unfair job requirements — such as an unrealistic story production quota — that were not applied to her male co-workers. This unwelcome, offensive, and repeated conduct by Mr. Liu clearly interfered with the terms and conditions of Plaintiff Liu's employment by forcing her to tolerate repeated unwelcome, hostile and humiliating behavior from her supervisor as a routine part of her job after she refused to have sexual relations with Mr. Liu.

255. Both Plaintiff Liu and Plaintiff Chang were also aware of Mr. Liu's inappropriate and demeaning treatment of women in the New York bureau, as well as his sexually aggressive and inappropriate behavior toward female interns. Ms. Liu was made aware of Mr. Liu's sexual harassment of intern Qian Chen during the Summer of 2012, when Ms. Chen sought Ms. Liu's

advice on how to deal with Mr. Liu's sexual advances. Ms. Chang witnessed Mr. Liu inappropriately touch multiple female interns in the office over her more than six years of employment with Phoenix, and also learned from former intern Lihuan Wang about Mr. Liu's sexual advances toward her in the Summer of 2010.

256. As a result of Phoenix's, Phoenix Hong Kong's and Mr. Liu's actions, Plaintiffs Chang and Liu suffered non-pecuniary injuries, including pain, suffering, humiliation and emotional distress.

257. Defendants' actions described above were taken were in willful and wanton disregard of Plaintiffs' rights, and were taken maliciously to injure them.

COUNT TWELVE

ANNE SHIH AGAINST ALL DEFENDANTS FOR QUID PRO QUO SEXUAL HARASSMENT IN VIOLATION OF THE NEW YORK CITY HUMAN RIGHTS LAW, N.Y.C. ADMINISTRATIVE CODE § 8-101 *et seq.*

258. Plaintiff Shih restates and incorporates by reference each paragraph above, as though fully set forth herein.

259. Plaintiff is a member of a protected class as the NYCHRL prohibits discrimination on the basis of sex and Plaintiff was a female candidate for employment at Phoenix.

260. Mr. Liu, as Phoenix's agent and supervisor of the East Coast bureaus, initially offered Plaintiff employment at the company's New York bureau, after she stated that was the position she could accept.

261. Because of her education, including a Master's degree, and prior work experience, Plaintiff was qualified for a position with Defendant, as her qualifications were equal or superior to those of other employees whom the Defendant already employed at its U.S. offices.

262. Mr. Liu then, at a job interview with Plaintiff on or about September 9, 2012, sexually propositioned Plaintiff. Plaintiff rejected his advances and left the hotel room.

263. In retaliation for Ms. Shih's rejection of his sexual advances, Mr. Liu then withdrew the opportunity to work at the New York bureau and suggested Plaintiff might be able to work in Los Angeles, a position he knew she would not accept.

264. By linking future employment opportunities with Phoenix to acceding to his sexual demands, Mr. Liu discriminated against Plaintiff Shih on the basis of gender. Mr. Liu ceased offering the position in the New York bureau when his requests for sexual activity were rejected, thereby denying Plaintiff the position she applied for at Phoenix.

265. Despite Plaintiff's qualifications, Defendant refused to hire Plaintiff Shih for the New York City position, because Plaintiff did not accede to Mr. Liu's sexual advances.

266. As a result of Defendants' actions, Plaintiff suffered pecuniary injuries, including future economic loss, and non-pecuniary injuries, including pain, suffering, humiliation and emotional distress.

267. Defendants' actions described above were taken were in willful and wanton disregard of Plaintiff's rights, and were taken maliciously to injure her.

COUNT THIRTEEN

ANNE SHIH AGAINST ALL DEFENDANTS FOR RETALIATION IN VIOLATION OF THE NEW YORK CITY HUMAN RIGHTS LAW, N.Y.C. ADMINISTRATIVE CODE § 8-101 *et seq.*

268. Plaintiff restates and incorporates by reference each paragraph above, as though fully set forth herein.

269. Plaintiff repeatedly expressed interest in, and sought to be formally hired for, a permanent position with Defendant during July and August 2012.

270. In July and August 2012, Plaintiff repeatedly expressed interest in, and sought to be formally hired for, a permanent position with Phoenix at the New York bureau.

271. Plaintiff applied for a reporter position in Phoenix's New York City office by meeting with Mr. Liu to interview for the position, including a meeting on or about September 9, 2012, that Mr. Liu described as a meeting about the job opportunity. Mr. Liu told her at the time that a job opportunity was available.

272. Plaintiff was qualified for a position with Phoenix, because she possessed a Master's degree and had relevant work experience in video journalism.

273. At the September 9, 2012 interview, Mr. Liu made sexual advances toward Ms. Shih, which she rejected.

274. Plaintiff engaged in a protected activity under the NYCHRL, which protects opposition to any practices prohibited by the NYCHRL, including sex discrimination. Plaintiff's protected activities included refusing Mr. Liu's sexual advances on or about September 9, 2012.

275. Because she engaged in the protected activity of refusing his sexual advances, Mr. Liu retaliated against Plaintiff, by ceasing to offer future employment, and thereby denied her future employment with Phoenix U.S.

276. Despite Plaintiff's qualifications, which included a Master's degree and prior work experience in video journalism, Defendants refused to hire Plaintiff, because Plaintiff did not accede to Mr. Liu's sexual advances.

277. As a result of Defendants' actions, Plaintiff suffered pecuniary injuries, including future economic loss, and non-pecuniary injuries, including pain, suffering, humiliation, and emotional distress.

278. Defendants' actions described above were taken were in willful and wanton disregard of Plaintiffs' rights, and were taken maliciously to injure her.

COUNT FOURTEEN

**BINGYING LIU AGAINST ALL DEFENDANTS FOR RETALIATION IN VIOLATION
OF THE NEW YORK CITY HUMAN RIGHTS LAW,
N.Y.C. ADMINISTRATIVE CODE § 8-101 *et seq.***

279. Plaintiff Liu restates and incorporates by reference each paragraph above, as though fully set forth herein.

280. The NYCHRL prohibits retaliation against an employee who engages in protected activity, which includes opposing sex harassment made unlawful by the NYCHRL.

281. Plaintiff engaged in protected activity by refusing to accede to Mr. Liu's sexual advances after she began working at Phoenix's New York bureau in 2011.

282. Mr. Liu, as Phoenix's and Phoenix Hong Kong's agent, retaliated against Ms. Liu after she refused his sexual advances by forcing her to perform demanding assignments without the resources given to other reporters who had not refused his sexual advances, such as a cameraman, and by subjecting her to constant workplace criticism, including humiliating her in front of co-workers by demanding that she issue a "self-critical letter."

283. Mr. Liu only began taking these hostile actions after Plaintiff refused his sexual advances, and his comments to her repeatedly referenced her refusal to "obey" him, even though she performed well at her job.

284. As a result of Defendants' actions, Plaintiff suffered non-pecuniary injuries, including depression, shame and humiliation.

285. Defendants' actions described above were taken were in willful and wanton disregard of Plaintiff's rights, and were taken maliciously to injure her.

COUNT FIFTEEN

HEIDI CHANG AND BINGYING LIU AGAINST PHOENIX AND PHOENIX HONG KONG FOR RETALIATION IN VIOLATION OF THE NEW YORK CITY HUMAN RIGHTS LAW, N.Y.C. ADMINISTRATIVE CODE § 8-101 *et seq.*

286. Plaintiffs Chang and Liu restate and incorporate by reference each paragraph above, as though fully set forth herein.

287. Tao Lu, the East Coast bureau chief, is an agent of both Phoenix and Phoenix Hong Kong because he is an officer of both Defendant companies.

288. The NYCHRL prohibits retaliation against employees who engaged in protected activities, which includes filing a charge of discrimination with the EEOC.

289. On February 25, 2013, Plaintiffs Chang and Liu filed administrative charges with the EEOC, and Defendants were aware of this filing.

290. Defendants, through their agent Tao Lu, have retaliated against Plaintiffs by permitting or possibly encouraging their co-worker in the New York bureau, David Lai, to intimidate and assault them. Mr. Lu was made aware of Mr. Lai's retaliatory threats against Plaintiffs when they forwarded communications from Mr. Lai to him in September 2013, yet the company knowingly refused to discipline Mr. Lai or prevent further misconduct.

291. Mr. Lai, in a September 13, 2013 text message, described Ms. Chang and Ms. Liu as "whorish" because they had filed complaints against the company.

292. Mr. Lu was made aware of Mr. Lai's retaliatory threats against Plaintiffs when they forwarded communications from Mr. Lai to him in September 2013, yet the company knowingly refused to discipline Mr. Lai or prevent further misconduct.

293. After the Defendants failed to discipline Mr. Lai, he then assaulted Plaintiffs in the office on September 26, 2013. Once again, the Defendants failed to take action — Phoenix

and Phoenix Hong Kong only agreed to suspend Mr. Lai because the office's building management, the Associated Press, revoked his access to the building on September 30, 2013.

294. Since then, the company has continued to pay Mr. Lai while he is on indefinite leave from the New York bureau.

295. As a result of Defendants' actions, Plaintiffs Chang and Liu suffered non-pecuniary injuries, including pain, suffering, humiliation and emotional distress.

296. Defendants' actions described above were taken were in willful and wanton disregard of Plaintiffs' rights, and were taken maliciously to injure them.

JURY TRIAL DEMANDED

Pursuant to Rule 38, Fed. R. Civ. P., Plaintiffs demand trial by jury on all claims so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs Chang, Liu and Shih respectfully request that this Court grant them the following relief:

1. An order directing Defendants to instate Plaintiff Shih in the position she would have held but for Defendants' unlawful conduct;
2. An award of lost wages and benefits to Plaintiff Shih;
3. An award of compensatory and consequential damages, including damages for emotional distress, shame and humiliation, in an amount appropriate to the proof presented at trial, to all three Plaintiffs;
4. An award of punitive damages to all three Plaintiffs;
5. An award to Plaintiffs of reasonable attorneys' fees and costs;
6. Pre- and post-judgment interest; and

7. All other relief as this Court deems just.

Dated: New York, New York
April 15, 2014

Respectfully submitted,



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