

was selected despite her unparalleled and award-winning performance. At the time of her termination, she was only one of only approximately five African-American employees in People Magazine's print staff, totaling approximately 110 employees.

3. This action seeks declaratory, injunctive and equitable relief, as well as monetary damages, to redress Defendants' unlawful conduct including unlawful discrimination against Plaintiff in violation of Section 1981 of the Civil Rights Act of 1866, 42 U.S.C. §1981 *et seq.* ("Section 1981"), the New York City Human Rights Law, N.Y. City Administrative Code §§ 8-101 *et seq.* ("NYCHRL").

4. Defendants' conduct is also in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e *et seq.* ("Title VII"). For these violations, Plaintiff will be filing a charge of discrimination with the Equal Employment Opportunity Commission ("EEOC") and will file an Amended Complaint following receipt of a Notice of Right to Sue.

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction over Plaintiff's claims pursuant to 28 U.S.C. §§ 1331 and 1343, because Plaintiff's Section 1981 claims arise under the laws of the United States. This Court has supplemental subject matter jurisdiction over Plaintiffs' related state and local law claims pursuant to 28 U.S.C. § 1367(a).

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

ADMINISTRATIVE PROCEDURES

7. Ms. Robertson will be filing a charge of discrimination with the EEOC and will file an Amended Complaint following receipt of a Notice of Right to Sue.

8. Following the commencement of this action, a copy of this Complaint will be served both on the New York City Commission on Human Rights and the Office of the Corporation Counsel of the City of New York, thereby satisfying the notice requirements of the NYCHRL.

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

PARTIES

10. Plaintiff Tatsha Robertson is a former Senior Editor at People Magazine who currently resides in Weehawken, New Jersey. At all relevant times herein, Ms. Robertson has met the definition of “employee” under all applicable statutes.

11. Defendants People Magazine and Time Inc. d/b/a People Magazine is a foreign business corporation with a principal place of business located at Delaware. At all relevant times herein, Defendants met the definition of “employer” under all relevant statutes.

FACTUAL ALLEGATIONS

Background

12. In or around April 2006, Ms. Robertson began her employment with Time, Inc. as a News Editor at Essence Magazine (“Essence”).

13. While at Essence, Ms. Robertson excelled from the start and was quickly promoted to Deputy Editor in 2008.

14. During her time with Essence, Ms. Robertson received positive performance reviews across-the-board and never received any documented disciplinary action of any kind.

15. Furthermore, Ms. Robertson won approximately 16 different awards, including, but not limited to, the Henry Luce Public Service Award (one of Time, Inc.’s most prestigious awards) in 2008, and approximately 12 awards from the National Association of Black Journalists.

16. Ms. Robertson's work at Essence was also instrumental in Essence being awarded the Henry Luce Magazine of the Year Award for 2008.

17. Ms. Robertson was also responsible for running Essence.com and oversaw a 30 million "pageview" increase during her supervision of the website.

18. In addition, Ms. Robertson also excelled at covering the White House and President Barack Obama.

19. Ms. Robertson created Essence's White House bureau and was able to obtain an exclusive interview for Essence with President Barack Obama and First Lady Michelle Obama (conducted by Gwen Ifill) and his family during the 2008 campaign.

20. While at Essence, Ms. Robertson also was able to obtain key interviews with other Presidential candidates, including Senator John McCain, as well as various cabinet members, including Secretary of State Condoleezza Rice.

21. In fact, Essence's coverage of the 2008 election and White House was so outstanding that it was reported by the New York Times, MSNBC and CNN.

22. Prior to Ms. Robertson's efforts, it was always People Magazine that was recognized for its top coverage of the White House amongst Time Inc. publications.

23. However, due in no small part to Ms. Robertson's contributions, Essence began rivaling People Magazine with regard to its coverage of the President and the White House.

24. Therefore, not surprisingly, Ms. Robertson was recruited for a position at People by Time, Inc.'s Human Resources ("HR") department.

25. In 2009, Ali DeBiasi (a Time, Inc. HR employee) reached out to Ms. Robertson to inquire as to whether she was interested in joining People Magazine as a Senior Editor.

26. Ultimately, Ms. Robertson was offered and accepted the position.

27. However, the decision to accept was not without reservation. Indeed, before Ms. Robertson accepted the position, a former top Executive at Time, Inc. gave Ms. Robertson an ominous warning; specifically, that,

“Several African Americans have had problems with Betsy, and I would not recommend that every African American work for People [Magazine] because some have struggled under the culture [of People Magazine].”

28. Nevertheless, Ms. Robertson accepted the offer to join People.

Discriminatory Work Environment

29. Immediately upon starting with People Magazine, Ms. Robertson was warned by yet another employee – this time a Black staff writer – of Ms. Gleick’s discriminatory attitudes in the workplace.

30. As Ms. Robertson would soon learn firsthand, this staff writer – who had attempted to build a diversity program at People Magazine and was forced out of People Magazine shortly after Ms. Robertson began there – explained that Ms. Gleick treated Black people poorly in comparison with her treatment of White colleagues.

31. Shortly after she began working for People Magazine, Ms. Robertson was the target of one of these discriminatory comments. During one of her first evaluations, Ms. Gleick critiqued Ms. Robertson, explaining:

“You need to talk like everyone else here. You’re not at Essence anymore.”

32. As virtually “everyone else” at People Magazine was and is White, and given that Essence is geared towards African-Americans, this was a not-so-thinly-veiled way of saying that Ms. Robertson was somehow not “White enough.”

33. Ms. Robertson holds a degree in English, a Masters in Journalism and is an Adjunct Professor at New York University. She has also thrived and succeeded while working under five Pulitzer Prize winning Editors. No one has ever had any issue whatsoever with the way Ms. Robertson spoke or communicated.

34. Ms. Gleick's discriminatory attitudes were also reflected in the way she treated Ms. Robertson in comparison to similarly situated White employees.

35. Ms. Gleick often placed Ms. Robertson on the "back burner" while prioritizing the needs of her "buddies," all of whom just happened to be White.

36. For instance, Ms. Gleick intentionally cancelled or simply missed numerous meetings with Ms. Robertson that were vital to Ms. Robertson's ability to do her job.

37. These meetings were designed to permit Ms. Robertson to pitch story ideas to Ms. Gleick in advance of the Magazine's weekly "three week" meetings.

38. Ultimately, not having the opportunity to pitch her stories to Ms. Gleick in advance of these meetings led directly to the pitches being rejected at the meetings (wherein Ms. Gleick would state that she knew nothing about the proposed story).

39. Ms. Gleick also intentionally left Ms. Robertson off of highly important emails concerning stories that Ms. Robertson was working on, and failed to invite her to lunches during working hours despite inviting all of her White direct reports.

40. Perhaps most egregiously, Ms. Gleick undermined Ms. Robertson's role by allowing other Senior Editors to do stories within Ms. Robertson's area of the Magazine (which included crime).

41. This made it very difficult for Ms. Robertson to perform her job.

42. In contrast, when Ms. Robertson pitched an idea even remotely related to the subject area of a White Senior Editor, Ms. Gleick chided her and would not permit her to run with the story.

43. The discriminatory environment in which Ms. Robertson was forced to work also permeated the pages of People Magazine. Indeed, Ms. Gleick has repeatedly insisted that the only types of stories she and People Magazine were interested in printing were those concerning:

“White middle-class suburbia.”

44. Examples of this openly espoused discriminatory worldview at People Magazine are abundant.

45. For instance, in February 2014, Ms. Robertson pitched a story regarding the death of Samira Frasch, an African-American model whose husband was a person of interest in her apparent murder.

46. Despite the fact that this story was picked up by a number of media outlets, including CNN, Ms. Gleick responded to Ms. Robertson’s pitch by stating that the victim looked like a “slut” and refused to print the story because the victim was Black, telling Ms. Robertson:

“You know the rule – White suburban women in distress.”

47. Tellingly, People Magazine ran an extremely similar story approximately one month later about a White model, Monica Olsen, whose husband reportedly *attempted* to have her murdered.

48. The fact that Ms. Gleick would expressly decline to run a story because the victim was Black, yet run an extremely similar (though arguably even less compelling) story about a White victim, is illustrative of the racial biases condoned at People and which resulted in disparate treatment towards Ms. Robertson.

49. By way of another example, People Magazine was at one point looking into a potential story concerning a woman who had been killed by her husband.

50. Everyone at People Magazine was interested in the story, including Ms. Gleick, as well as another Top Editor and Executive at People Magazine.

51. However, upon viewing a picture of the victim and realizing she was Black, the editor immediately changed his mind.

52. The editor sent an email to Ms. Gleick (and copied Ms. Robertson) with a copy of the picture and the statement, in sum and substance, that:

“She’ll never make it into People.”

53. Similarly, Ms. Robertson was recently working on a story concerning gun violence in schools across the country.

54. The story had the full backing of Ms. Gleick, who was motivated to publish a story about the effect of gun violence on the country’s children, given the tragic school shootings in recent years.

55. However, Ms. Gleick changed course and cancelled the story after she determined that the majority of the examples of gun violence that could be found involved minorities in urban settings rather than **“White middle class suburbia.”**

56. Yet again, Ms. Gleick was uninterested in publishing a once newsworthy story for the sole basis that she determined that its focus would be on minorities.

57. However, it is not only the inside pages of People Magazine, but also the covers, that are reserved largely for White individuals.

58. In 2013, People put out 60 issues (including special and supplemental issues) of its magazine, and a Black individual was the main feature exactly twice.

59. That trend has continued in 2014, with only three African-American feature covers out of 27 covers so far this year.

60. Moreover, the past two years are not a mere anomaly as African-American representation on People Magazine's covers has been at abysmally small rates for many years.

61. In 2012, only four African-Americans were featured on the Magazine's cover (out of 60 issues).

62. In 2011, only two African-Americans were featured on the Magazine's cover (out of 58 issues).

63. In 2010, only three African-Americans were featured on the Magazine's cover (out of 59 issues).

64. In total, since 2010, only 14 out of 265 covers have been focused on African-American individuals.

65. In fact, shortly before Ms. Robertson was terminated, Queen Latifah was being discussed around the office as the potential feature on the May 12, 2014 cover.

66. Ms. Gleick, however, stated to Ms. Robertson that she did not think it was a good idea to have Queen Latifah as the feature on the cover because African-Americans Lupita Nyong'o and Robin Roberts were on the covers the prior two weeks.

67. Thus, while People Magazine is content with White persons on their cover for dozens of issues in a row, it balked at the idea of featuring three Black individuals in a row.

68. What is more, even in the rare instances where Black individuals are permitted on the cover of the Magazine, many have accused People of airbrushing images to "lighten" skin tone and make the people look "more white."

69. Moreover, Ms. Gleick treats the inclusion of Black individuals on the cover of People Magazine very differently than Whites, even where prominent news stories virtually require the coverage.

70. For instance, though People Magazine put Trayvon Martin on its cover, Ms. Gleick was completely obsessed with attempting to unearth any potential negative fact about him before doing so.

71. Ms. Gleick repeatedly questioned whether he was a “good kid,” yet never made similar efforts to vet White victims of crime.

72. Ms. Gleick’s concern that Mr. Martin might have a sordid past was seemingly based solely on the color of his skin.

73. Like their covers, People’s “Sexiest” man and “Most Beautiful People” selections have been equally if not more biased towards White individuals and discriminatory towards African-Americans.

74. Since 1985 (the time period tracked on People’s website), only one of the individuals selected as the “Sexiest Man Alive” has been Black out of 29 selections.

75. Since 1990, only three individuals selected as the “Most Beautiful Person” have been Black, out of 25 selections.

76. The clear implication is the offensive proposition that White individuals are somehow inherently “sexier” and more “beautiful” than African-Americans.

77. Despite the blatant discrimination to which Ms. Robertson was subjected, she was able to perform her job at an extremely high level.

78. During her time with People, as with Essence, Ms. Robertson's work won or contributed to People Magazine winning numerous awards, including two more Henry Luce Awards (again, for Public Service and Magazine of the Year).

79. In 2013, Ms. Robertson had more cover stories and second cover stories than anyone else on her team.

80. Moreover, People Magazine's monthly engagement studies establish that Ms. Robertson's crime stories are some of the Magazine's most well read stories.

81. Simply put, Ms. Robertson's performance at People Magazine remained outstanding despite Ms. Gleick's efforts to undermine her work and the discriminatory decision making that pervaded the environment. In fact, Ms. Robertson was never written up or disciplined for any performance issues during her tenure with the Company.

Ms. Robertson's Discriminatory Termination

82. The discrimination Ms. Robertson was subjected to and witnessed are not isolated occurrences or the exception in its day-to-day operations, but rather are the regular and predictable result of its institutional patterns, practices and policies, as well as the complete lack of diversity in People's and Time, Inc.'s leadership.

83. These practices and lack of diversity have reinforced an atmosphere in which it seems appropriate and without any consequence to openly make racist and highly offensive remarks, treat Black employees like second class citizens and, ultimately, derail the careers of hard-working African-Americans like Ms. Robertson, who was terminated because of her race.

84. Indeed, of the approximately 110 full time People Magazine employees at the time of the recent layoffs, only approximately eight were Black. Following the reduction in force, only four Black employees remain.

85. When Ms. Robertson was employed, she was the only one of eight Senior Editors who was Black.

86. Ms. Robertson was also the only Black Editor in People's Human Interest team, and the only Black Editor on that team in People Magazine's history.

87. In fact, Ms. Robertson was the only Black Senior Editor on the magazine side in the history of People Magazine.

88. Moreover, People Magazine has literally no African-American representation in its leadership.

89. All seven of People Magazine's Top Editors – the level above Ms. Robertson – are White, and People has never had a single Black Top Editor.

90. Incredibly, this utter lack of leadership diversity is not limited to People Magazine, but, as shown on Time, Inc.'s own website, every single one of the 11 members of Time, Inc.'s "Leadership" is White.¹

91. It is then not surprising that when People Magazine underwent a purported restructuring in May 2014, Ms. Robertson – the highest-ranking African-American at the Magazine – was terminated.

92. Prior to the purported restructuring that resulted in Ms. Robertson's termination, People Magazine employed approximately 26 Editors on the print side of the Magazine.

93. Ms. Robertson was the only Black Editor.

94. Yet, she was only one of two Editors terminated, the sole Senior Editor terminated and the only one of Ms. Gleick's direct reports terminated.

¹ See <http://www.timeinc.com/about/leadership/>.

95. This is despite the fact that one of Ms. Gleick's direct reports, Kim Hubbard, had her position completely eliminated, yet was still somehow retained by People Magazine.

96. In contrast, Ms. Robertson's position was not eliminated, and White former colleagues who are clearly less qualified will be performing the work she once did.

97. Following the restructuring, the African-American voice at People Magazine will be even more non-existent than ever before.

98. One can only imagine that it will be "business as usual" at People Magazine going forward – more White people on covers, more stories about White people, and a completely dismissive attitude towards African-American employees.

AS AND FOR A FIRST CAUSE OF ACTION
(Discrimination in Violation of Section 1981)

99. Plaintiff hereby repeats, reiterates, and realleges each and every allegation as contained in each of the preceding paragraphs as if fully set forth herein.

100. Defendants discriminated against Plaintiff on the basis of her race in violation of Section 1981 by denying her the same terms and conditions of employment as described above, including, but not limited to, denying her equal treatment and by terminating her employment.

101. As a direct and proximate result of these Defendants' unlawful discriminatory conduct in violation of Section 1981, Plaintiff has suffered and continues to suffer monetary and/or economic damages, including, but not limited to, loss of past and future income, compensation and benefits for which she is entitled to an award of monetary damages.

102. As a direct and proximate result of these Defendants' unlawful discriminatory conduct in violation of Section 1981, Plaintiff has suffered and continues to suffer severe mental anguish and emotional distress, including, but not limited to, embarrassment, stress and anxiety and emotional pain and suffering for which she is entitled to an award of monetary damages.

103. Defendants' unlawful discriminatory conduct constitutes a willful and wanton violation of Section 1981, was outrageous and malicious, was intended to injure Plaintiff, and was done with conscious disregard of Plaintiff's civil rights, entitling Plaintiff to an award of punitive damages.

AS AND FOR A SECOND CAUSE OF ACTION
(Race Discrimination in Violation of the NYCHRL)

104. Plaintiff hereby repeats, reiterates and realleges each and every allegation as contained in each of the preceding paragraphs as if fully set forth herein.

105. Defendants discriminated against Plaintiff on the basis of her race in violation of the NYCHRL by denying her the same terms and conditions of employment as described above, including, but not limited to, denying her equal treatment and by terminating her employment.

106. As a direct and proximate result of these Defendants' unlawful discriminatory conduct in violation of the NYCHRL, Plaintiff has suffered and continues to suffer monetary and/or economic damages, including, but not limited to, loss of past and future income, compensation and benefits for which she is entitled to an award of monetary damages.

107. As a direct and proximate result of these Defendants' unlawful discriminatory conduct in violation of the NYCHRL, Plaintiff has suffered and continues to suffer severe mental anguish and emotional distress, including, but not limited to, embarrassment, stress and anxiety and emotional pain and suffering for which she is entitled to an award of monetary damages.

108. Defendants' unlawful discriminatory conduct constitutes a willful and wanton violation of the NYCHRL, was outrageous and malicious, was intended to injure Plaintiff, and was done with conscious disregard of Plaintiff's civil rights, entitling Plaintiff to an award of punitive damages.

PRAYER FOR RELIEF

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

- A. A declaratory judgment that the actions, conduct and practices of Defendants complained of herein violate the laws of the United States and the State of New York;
- B. An injunction and order permanently restraining Defendants from engaging in such unlawful conduct;
- C. An order directing Defendants to take such affirmative action as is necessary to ensure that the effects of these unlawful employment practices are eliminated and do not continue to affect Plaintiff's employment and personal life;
- D. An award of damages in an amount to be determined at trial, plus prejudgment interest, to compensate Plaintiff for all monetary and/or economic damages, including, but not limited to, the loss of past and future income, wages, compensation, seniority and other benefits of employment;
- E. An award of damages in an amount to be determined at trial, plus prejudgment interest, to compensate Plaintiff for all non-monetary and/or compensatory damages;
- F. An award of punitive damages;
- G. An award of costs that Plaintiff has incurred in this action, as well as Plaintiff's reasonable attorneys' fees to the fullest extent permitted by law; and
- H. Such other and further relief as the Court may deem just and proper.


JURY DEMAND

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

Dated: August 20, 2014
New York, New York

Respectfully submitted,

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