

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

-----X  
JOHNNA AYRES,

Plaintiff,

Index No.:

-against-

**SUMMONS**

BLOOMBERG L.P., MICHAEL BLOOMBERG and  
LAWRENCE DIAMOND,

**The basis of the venue is  
Plaintiff's residence.**

Defendants.

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To the above named Defendants:

**YOU ARE HEREBY SUMMONED** to answer the Verified Complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York  
August 23, 2018

THE CLANCY LAW FIRM, P.C.

By: /s/ Donna Clancy  
Donna H. Clancy, Esq.  
The Trump Building  
40 Wall Street, 61<sup>st</sup> Floor  
New York, New York 10005  
(212) 747-1744  
Attorneys for Plaintiff  
*Johnna Ayres*

To: BLOOMBERG, L.P.  
731 Lexington Avenue  
New York, New York

MICHAEL BLOOMBERG  
17 E 79<sup>th</sup> Street  
New York, New York

LAWRENCE DIAMOND  
195 Fox Meadow Road  
Scarsdale, New York

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

-----X  
JOHNNA AYRES,

Plaintiff,

Index No.:

-against-

**VERIFIED COMPLAINT**

BLOOMBERG L.P., MICHAEL BLOOMBERG and  
LAWRENCE DIAMOND,

**JURY TRIAL  
DEMANDED**

Defendants.  
-----X

Plaintiff JOHNNA AYRES, by her attorneys, THE CLANCY LAW FIRM, P.C.,  
complaining against Defendants BLOOMBERG L.P., MICHAEL BLOOMBERG and  
LAWRENCE DIAMOND, upon information and belief, and at all times relevant, alleges  
as follows:

**NATURE OF THE ACTION**

1. This is an action for injunctive relief, declaratory judgment and money  
damages to remedy discrimination on the basis of sex and age discrimination, hostile  
work environment, retaliation and constructive discharge in the terms, conditions and  
privileges of employment under New York City Human Rights Law as contained in the  
Administrative Code of the City of New York, § 8-107 *et seq.* (“NYCHRL”); and the New  
York Human Rights Law as contained in New York State Executive Law, § 296 *et seq.*  
 (“NYHRL”).

2. This action is brought to vindicate the human and civil rights of Plaintiff JOHNNA AYRES (“PLAINTIFF”). PLAINTIFF contends that the terms, conditions and privileges of her employment relationship with Defendants BLOOMBERG L.P., MICHAEL BLOOMBERG and LAWRENCE DIAMOND, (collectively, “DEFENDANTS”), were adversely affected because of her sex and age in a hostile work environment created by her employer, BLOOMBERG L.P. Plaintiff further contends that she was subjected to discrimination, harassment and retaliatory action because of her sex and internal complaints against the Defendants’ illegal financial, gender discriminatory and retaliatory practices in violation of various state and city statutes.

#### **JURISDICTION AND VENUE**

3. A substantial part of the acts giving rise to this action were committed within the State and City of New York, and venue is properly lodged in this Court.

#### **PROCEDURAL REQUIREMENTS**

4. Prior to commencement of this action, Plaintiff served a copy of the Complaint upon the New York City Commission of Human Rights and the Corporation Counsel of the City of New York in accordance with New York City Administrative Code § 8-502(c).

**PARTIES**

5. Plaintiff "JOHNNA AYERS" ("PLAINTIFF") is a 46 year old female who currently resides in the County of Kings, State of New York.

6. Defendant BLOOMBERG L.P. ("BLOOMBERG") is a foreign limited partnership existing under and by virtue of the laws of the State of Delaware.

7. BLOOMBERG has its primary place of business located at 731 Lexington Avenue, City of New York, County of New York, State of New York.

8. BLOOMBERG is an employer within the meaning of New York City Administrative Code § 8-102(1).

9. BLOOMBERG is an employer within the meaning of the N.Y.S Executive Law § 296.

10. At all relevant times, Defendant MICHAEL BLOOMBERG ("MR. BLOOMBERG") was the Co-Founder, Chief Executive Officer and President of BLOOMBERG L.P. MR. BLOOMBERG owns 90% and/or is the controlling majority owner of Bloomberg, L.P.

11. At all relevant times, MR. BLOOMBERG created, authorized, managed, supervised, controlled and condoned the implementation and enforcement of BLOOMBERG's policies and practices.

12. Based on information and belief, MR. BLOOMBERG currently resides in the City of New York, County of New York, State of New York.

13. MR. BLOOMBERG is a person within the meaning of the NYC Administrative Code § 8-102(1), and an employer within the meaning of NYC Administrative Code §§ 8-102(5) and 8-107, and is being sued here both in his personal and official capacities.

14. At all relevant times, Defendant LAWRENCE DIAMOND (“ CFO DIAMOND”) was the Chief Financial Officer (CFO) of BLOOMBERG, L.P.’s Media Department.

15. Based on information and belief, CFO DIAMOND currently resides in the County of Westchester, State of New York.

16. At all relevant times, CFO DIAMOND created, authorized, managed, supervised, controlled and condoned the implementation and enforcement of BLOOMBERG Media’s policies and practices.

17. CFO DIAMOND is a person within the meaning of the NYC Administrative Code § 8-102(1), and an employer within the meaning of NYC Administrative Code §§ 8-102(5) and 8-107, and is being sued here both in his personal and official capacities.

### **Introduction**

18. PLAINTIFF resigned from her employment at BLOOMBERG after being targeted for termination because she complained about illegal financial, discriminatory and other employment practices by her male predecessor, former BLOOMBERG, L.P. Senior Executive, Nicholas Ferris (Ferris), who reported to BLOOMBERG’S Chief

Financial Officer of Media, LARRY DIAMOND (CFO DIAMOND) and passed over for promotion.

19. During her employment, PLAINTIFF was targeted and subjected to a hostile work environment and/or adverse treatment because she had knowledge and information regarding the ongoing sexual harassment of a young female employee supervised by Ferris, a favored male employee of CFO DIAMOND.

20. Ferris was terminated after the female employee filed a legal complaint against Ferris, BLOOMBERG, L.P. and MICHAEL BLOOMBERG.<sup>1</sup>

21. Prior to his termination, Ferris was permitted to violate BLOOMBERG's financial and human resources policies and treated more favorably than PLAINTIFF by CFO DIAMOND, who recommended Ferris for promotion over PLAINTIFF.

22. After Ferris' untimely termination, PLAINTIFF took over Ferris' duties and discovered Ferris' illegal practices during his employment.

23. After PLAINTIFF reported Ferris' illegal practices, CFO DIAMOND began treating her in a hostile manner and attacked her otherwise stellar performance.

24. As a result of the hostile work environment and discriminatory treatment, PLAINTIFF resigned on October 7, 2016.

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<sup>1</sup> An Individual Described Herein by the Pseudonym "Doe," v. Bloomberg, L.P., Michael Bloomberg, Nicholas Ferris, *et al.* Bronx County Index No.: 28254/2016E wherein Plaintiff alleges Defendant Ferris drugged, raped and tormented her during her employment at Bloomberg, L.P.

**The BLOOMBERG "Playground": An Openly Hostile Environment Toward Women**

25. PLAINTIFF discovered shortly after commencing employment that there was a sexually charged, uninhibited professional and social environment at BLOOMBERG.

26. The majority of BLOOMBERG's female employees are in sales, administrative and/or support roles while BLOOMBERG'S C-Suite and Executive Management are predominately males. BLOOMBERG's proclivity to hire males, specifically males under the age of 40, resulted in a fraternity fashioned corporate culture.

27. Following the example and leadership of MR. BLOOMBERG, BLOOMBERG's dominant male culture allows sex to permeate the company's work environment on a daily basis.

28. BLOOMBERG's hostile work environment bred a reckless playground for male supervisors to target women, and especially younger, naïve female employees aspiring to have a career at BLOOMBERG, for sex.

29. BLOOMBERG employees were afforded the use of the Instant Bloomberg ("IB") system (an internal, instant messaging system for BLOOMBERG employees, complete with photo identification) to communicate with each other.

30. BLOOMBERG employees used the IB system as a pseudo-dating site.

31. BLOOMBERG female employees were encouraged by male management to dress provocatively, for example - short skirts and four-inch heels.



32. BLOOMBERG male employees regularly commented on female employees' appearances using a rating system - the "hotter" the girl, the higher her ranking. A list of the hottest female employees was circulated amongst male employees.

33. BLOOMBERG employees were given full access to their coworkers' contact information, pedigree and photo through IB, and could easily identify the co-workers they are interested in contacting by their photo badges.

34. MR. BLOOMBERG, BLOOMBERG's Founder, CEO, and President and his male C-Suite Executives, including CFO DIAMOND encouraged this type of sexist and sexually charged behavior.

35. On various occasions, MR. BLOOMBERG boasted that his company was known as the corporation generating the most marriages between its employees.

36. In a 2015 New York Magazine article, the author, Michael Wolff described the environment MR. BLOOMBERG created at his company as

"a truly weird one. This isn't Clintonesque lunging on Bloomberg's part, but rather, what is alleged here is a broader, more juvenile kind of control. Bloomberg's company is a playground, or clubhouse, or frat house, with Bloomberg himself as the strangely removed but obviously volatile bully or grand master or BMOC. That Bloomberg is the boss may be much more the point than the sex - insults, and the power to get away with insults, are more important than gratification."<sup>2</sup>

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<sup>2</sup> Wolff, Michael, *Full Bloom*. New York Magazine (2015).  
<http://nymag.com/nymetro/news/media/columns/medialife/5349/>

37. In a 2013 New York Magazine cover story, City Council Speaker Christine Quinn was interviewed regarding MR. BLOOMBERG's misogynistic tendencies. Ms. Quinn described how MR. BLOOMBERG once gestured at a woman at a holiday party and said, "Look at the ass on her."<sup>3</sup>

38. The New York Magazine cover story, reported that Ms. Quinn stated that MR. BLOOMBERG hated her in flat boots and specifically relayed his preference for her in high heels. Ms. Quinn explained that MR. BLOOMBERG has "no use for flat shoes."<sup>4</sup> In fact, MR. BLOOMBERG admitted, "If I were a woman, I would wear high heels."<sup>5</sup>

39. In the New York Magazine cover story, MR. BLOOMBERG criticized Ms. Quinn's physical appearance, asking her, "Do you pay a lot to make your hair be two colors? Because now it's *three* with the gray."<sup>6</sup>

40. BLOOMBERG female employees, and particularly females over 40, who did not fit the sexy criteria of "BLOOMBERG's culture" or misogynistic standards of objectifying a woman's physical appearance were treated unfavorably and isolated in the workplace by their male counterparts and BLOOMBERG's C-Suite Executive Management.

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<sup>3</sup> Van Meter, Jonathan, *Madam Would-Be Mayor*. New York Magazine (2013).  
<http://nymag.com/news/features/christine-quinn-2013-2/>

<sup>4</sup> *Id.*

<sup>5</sup> Horowitz Satlin, Alana, *Michael Bloomberg: 'If I Were a Woman, I would Wear High Heels.'* The Huffington Post (2013).  
[http://www.huffingtonpost.com/2013/10/17/michael-bloomberg-high-heels\\_n\\_4117280.html](http://www.huffingtonpost.com/2013/10/17/michael-bloomberg-high-heels_n_4117280.html)

<sup>6</sup> Van Meter, *Madam Would-be Mayor*. New York Magazine (2013).

### Prior Lawsuits

41. BLOOMBERG'S notoriously sexist and hostile work environment has been well documented and has been the subject of myriad lawsuits prior to this lawsuit.

42. Before becoming Mayor of NYC, MR. BLOOMBERG was sued by a class of female employees led by a female sales executive who accused him of sexual harassment and creating a hostile work environment for female employees while he was the Chief Executive of BLOOMBERG.<sup>7</sup>

43. The U.S. Equal Employment Opportunity Commission (EEOC) filed a sexual harassment lawsuit on behalf of 58 women claiming that MR. BLOOMBERG and other male managers at the company made "repeated and unwelcome" sexual comments, overtures and gestures, which contributed to an offensive, locker-room culture.<sup>8</sup>

44. The sexual harassment lawsuit alleged that MR. BLOOMBERG displayed a discriminatory attitude toward pregnant women and new mothers and that this culture was fostered at the company.<sup>9</sup>

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<sup>7</sup> The Associated Press, *58 Women Now Suing Bloomberg LP for Sex Discrimination*. Daily News (2008). <http://www.nydailynews.com/news/58-women-suing-bloomberg-p-sex-discrimination-article-1.331323>

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

45. The sexual harassment lawsuit accused MR. BLOOMBERG of engaging in a pattern of demoting women, diminishing their duties and excluding them from other job opportunities after they disclosed they were pregnant and/or for discriminatory reasons based upon their sex.

46. The EEOC complaint alleged that "[t]his systemic top-down discrimination against female employees is fostered, condoned and perpetrated by the highest levels of management within Bloomberg and by ownership of Bloomberg, to wit Michael Bloomberg...."<sup>10</sup>

47. In 2013, Cord Jefferson authored an article entitled, "'I'd Do Her': A Brief History of Michael Bloomberg's Public Sexism."<sup>11</sup> Jefferson documented that "[i]n 1996 and 1997, four women filed sexual harassment suits against Bloomberg, LP. One of them, a sales executive named Sekiko Garrison, alleged that Michael Bloomberg told her to 'Kill it!' when she shared with him that she was pregnant. Asked by Ms. Garrison to repeat himself, Bloomberg said again, 'Kill it!' Garrison said that Bloomberg went on to lament that she was going to be the sixteenth woman in the company to be taking maternity leave."<sup>12</sup>

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<sup>10</sup> Kugler, Sara, *Suit: Bloomberg Condoned Discrimination*. USA Today (2007).

[http://usatoday30.usatoday.com/money/economy/2007-10-03-2247216259\\_x.htm](http://usatoday30.usatoday.com/money/economy/2007-10-03-2247216259_x.htm)

<sup>11</sup> Jefferson, Cord, *'I'd Do Her': A Brief History of Michael Bloomberg's Public Sexism*. Gawker (2013).

<http://gawker.com/5979679/id-do-her-a-brief-history-of-michael-bloombergs-public-sexism>

<sup>12</sup> *Id.*

48. In Jefferson's article, MR. BLOOMBERG allegedly commented to Ms. Garrison before she became pregnant, gesturing to her engagement ring, "What, is this guy dumb and blind? What the hell is he marrying you for?"<sup>13</sup> And, a week later, "still engaged? What, is he that good in bed, or did your father pay him off to get rid of you?"<sup>14</sup>

49. In his deposition, under oath, MR. BLOOMBERG admitted saying, "I'd do her" in relation to Garrison, but claimed "do" meant to have a personal relationship with someone.<sup>15</sup>

50. Another lawsuit filed against BLOOMBERG by a former employee, Mary Ann Olszewski claimed that "male employees from Mr. Bloomberg on down" routinely demoralized women at BLOOMBERG. Ms. Olszewski further alleged that the sexual harassment culminated in her being raped in a Chicago hotel room by her direct superior, a top BLOOMBERG executive.<sup>16</sup>

51. In connection with that lawsuit, MR. BLOOMBERG testified at his deposition under oath that he would not call the rape allegation genuine unless there was an "unimpeachable third party witness."<sup>17</sup>

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<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

52. When questioned further as to how there would be a third party witness to a rape, MR. BLOOMBERG replied under oath "that there are times when three people are together."<sup>18</sup>

53. In 2001, BLOOMBERG employees wrote a book titled *Portable Bloomberg: The Wit and Wisdom of Michael Bloomberg* that was given to MR. BLOOMBERG as a gift. The book allegedly contains "Bloombergisms", direct quotes of MR. BLOOMBERG.

54. New York Magazine author, Michael Wolff reported that the book "represents...an institutional acceptance of the arrogance, cruelty, carelessness and rulelessness of the CEO."<sup>19</sup>

55. Author Cord Jefferson also commented about the contents of the BLOOMBERG book: "[a]lso, sexism. A lot of sexism."<sup>20</sup>

56. Examples of "Bloombergisms" include the following remarks: "*The three biggest lies are: "the check's in the mail", "I'll respect you in the morning" and "I'm glad I'm Jewish"; "If women wanted to be appreciated for their brains, they'd go to the library instead of Bloomingdale's"; and "I know for a fact that any self-respecting woman who walks past a construction site and doesn't get a whistle will turn around and walk past again and again until she does get one."*<sup>21</sup>

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<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

57. Describing one of his well-known business information systems to his female employees, MR. BLOOMBERG touted, "[i]t will do everything, including give you a blow job. I guess that puts a lot of you girls out of business."<sup>22</sup>

58. MR. BLOOMBERG has also been quoted saying, "What do I want? I want a B.J. from Jane Fonda. Have you seen Jane Fonda lately? Not bad for fifty."<sup>23</sup>

**Internal Complaints are Buried By BLOOMBERG's Human Resources and In House Counsel**

59. BLOOMBERG employees, both male and female, are not afforded the proper sexual harassment training, monitoring, policing and/or discipline for failure to comply with employment policies to protect employees against sexual harassment and retaliation.

60. BLOOMBERG employees are not afforded a sufficient and/or effective means of complaining and/or reporting sexual harassment.

61. BLOOMBERG's Human Resources and Legal departments do not properly investigate, remediate and/or take appropriate action against male employees charged by female employees of sexual harassment.

62. BLOOMBERG's Human Resources and/or Legal departments fail to document complaints made against male employees to shield the company against lawsuits.

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<sup>22</sup> Kolbert, Elizabeth, *The Prophet of Love*. Bloomsbury Publishing USA (2004).

<sup>23</sup> Vdare.com, *Mayor Michael Bloomberg: Rude, Crude and Dangerous to the Country*. (2006).

<http://www.vdare.com/articles/mayor-michael-bloomberg-rude-crude-and-dangerous-to-the-country>

63. Defendant BLOOMBERG, his Executive Management, Human Resources and Legal department create an environment that is intimidating to any female employee complaining of discrimination to dissuade and/or bully them into not filing a formal complaint.

64. Defendant BLOOMBERG's anti-discrimination internal training, to the extent it has one, is biased against women.

65. Following the legal claim made against Ferris, CFO DIAMOND's report (and PLAINTIFF's predecessor), Defendant BLOOMBERG required its employees to participate in a training session which portrayed the female supervisor as the sexual aggressor urging the male employee to drink alcohol and do drugs, mimicking the allegations of the lawsuit filed against BLOOMBERG and Ferris.<sup>24</sup>

66. At all relevant times, DEFENDANTS, by their agents, servants and employees, acted under color of the statutes, ordinances, regulations, customs and usages of the State of New York, and under the authority of their perspective positions or offices.

67. At all relevant times, the discriminatory conduct complained of herein was directed towards PLAINTIFF and other female BLOOMBERG employees similarly situated with PLAINTIFF.

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<sup>24</sup> This scenario is identical to the facts alleged against Ferris in the Doe v. Bloomberg pending matter.



STATEMENT OF FACTS/PLAINTIFF'S EMPLOYMENT

68. On or about December 14, 2009, PLAINTIFF became employed by *Bloomberg Markets* as Consumer Marketing Director earning \$170k as salary with a \$50k bonus and full benefits.

69. In 2015, PLAINTIFF reported to CFO DIAMOND who reported to CEO MR. BLOOMBERG.

70. As a Director, PLAINTIFF's duties included reversing financial losses and transitioning the *Bloomberg Markets* magazine to first-ever growth mode by optimizing operations.

71. PLAINTIFF accomplished this growth under a different Bloomberg manager and was rewarded with positive performance reviews, increases in salary and bonus.

72. At all relevant times, PLAINTIFF managed a \$10m P&L with two direct reports growing to 11 directs.

73. During PLAINTIFF's employment, PLAINTIFF performed at a "Distinguished level," doubled the magazine's circulation revenue, reduced expenses by 50% and increased the rate base 12% within 2.5 years.

74. During PLAINTIFF's employment, PLAINTIFF established marketing, subscription and P&L strategies for Bloomberg Markets ipad app. PLAINTIFF accomplished the launch of the magazines' Digital Edition saving \$300k+ in annual print

distribution costs and simultaneously increased customer base by providing the online option.

75. In both 2011 and 2014, PLAINTIFF was awarded the Bloomberg “The <B> All” Quarterly Winner Award.

76. In 2014, under a different manager, PLAINTIFF was promoted to Global Head of Acquisition and Consumer Marketing.

77. From 2012 to 2014, PLAINTIFF, as the Consumer Marketing Director/Business Development Director, focused on creating new businesses from concept through execution. After being promoted, she initiated communication with key stakeholders to ensure effective project management as well as built project teams and partnered with Finance on *pro forma* P&L. The promotion earned PLAINTIFF a \$5k raise and \$10k increase in her bonus.

78. During her tenure fulfilling both Director roles, PLAINTIFF fashioned a new webcasting business generating \$500k in revenue formed to support sponsorship sales, content development and web/email marketing through use of highly targeted financial vertical webcasts. She also spearheaded the formation of “Strategies Booklets,” a sponsorship-driven publication series for Bloomberg Terminal clients, which generated \$1MM+ in annual revenue.

79. From 2014 to 2016, PLAINTIFF held her title of Global Head of Acquisition and Consumer Marketing, managing an 11-member team in a 3 pronged challenge to manage *Bloomberg Businessweek's* new subscriber acquisition and business development, grow *Bloomberg Briefs* e-newsletters and manage global circulation for *Bloomberg Markets*, generating a combined revenue of \$16M.

80. During the course of her employment, PLAINTIFF performed her duties in a distinguished manner.

81. Defendant BLOOMBERG L.P. evaluated its employees using a performance metric composed of six different ratings: Exceptional, Distinguished, good, Meets Expectations, Needs Improvement and Unacceptable.

82. In PLAINTIFF's 2014 Bloomberg Culture Performance Evaluation, she received the following ratings from her Manager, Defendant LARRY DIAMOND (who was at that time the Co-COO and Director of Regional Marketing and Head of Real Estate Property Ops), for the below listed categories:

"Know the customer - Good  
Work hard - Good  
Move fast and thoughtfully - Distinguished  
Learn from mistakes - Good  
Be bold - Good  
Collaborate - Distinguished  
Lead by example - Distinguished  
Do the right thing - Good"

83. For 2014's Overall "Bloomberg Culture Performance Evaluation," PLAINTIFF's Manager Diamond wrote the following comments regarding PLAINTIFF, "Strong first year on BBW new business and continued good work on Markets circ/events/newsletters...effectively handled many management challenges...works hard with a sense of urgency, brings strategic sensibility to the multiple sources she's asked to oversee [and] excellent collaborator with other departments, both within Media and the larger company..."

84. In PLAINTIFF's 2015 Overall Bloomberg Culture Performance Evaluation, PLAINTIFF's Manager, CFO DIAMOND rated PLAINTIFF as follows:

"Know the customer - Distinguished  
Work hard - Distinguished  
Move fast and thoughtfully - Distinguished  
Learn from mistakes - Good  
Be bold - Good  
Collaborate - Distinguished  
Lead by example - Distinguished  
Do the right thing - Good"

85. In 2015, PLAINTIFF's Manager, CFO DIAMOND wrote the following comments regarding PLAINTIFF's overall performance,

"Johnna has had a productive year...[she] can contribute more to the organization, and [I] have invested my confidence in her by providing her with the opportunity for high level exposure across many parts of our organization...She is a strong contributor to the overall consumer marketing and production team, and provides thoughtful leadership and insight into the development of various team members. She is not afraid of a difficult conversation and can be direct and decisive when needed."

86. However, after PLAINTIFF took over Ferris's role, CFO DIAMOND's comments began taking on a different tone towards PLAINTIFF's future at BLOOMBERG, requiring an additional evaluation in a few months. He states,

"I expect Johnna (and her colleagues) to bring me creative thinking, thorough analysis and quick action *once we make decisions on future plans and changes*. I think it will be an exciting year for Johnna *if she embraces the change and works to be a leader of her team in this regard*. She is in a good position for growth, and we will *re-evaluate her ability to balance her former responsibilities of Briefs as the year progresses*." (Emphasis added).

87. In or about November 2015, PLAINTIFF had taken over the position and duties of former Bloomberg, L.P. Senior Executive, Ferris, after his abrupt termination involving an alleged rape and severe sexual harassment of a female direct report<sup>25</sup>.

88. PLAINTIFF had heard the rumors circulating amongst coworkers surrounding Senior Executive, Ferris's inappropriate misconduct in the work place with his female report. Following the female employee's departure from BLOOMBERG and Ferris's termination, more rumors spread that she was a victim of her male BLOOMBERG supervisor who had boldly violated her human rights for nearly three years without fear of reprisal by his employer or direct supervisor, CFO DIAMOND.

89. The disturbing timeline of events detailing Ferris' conduct and the utter indifference to the illegal practices of BLOOMBERG Executive Management including MR. BLOOMBERG and CFO DIAMOND is described in Doe v. Bloomberg, et al. lawsuit.

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<sup>25</sup> An Individual Described Herein by the Pseudonym "Margaret Doe," v. Bloomberg, L.P., Michael Bloomberg, Nicholas Ferris, et al. Bronx County Index No.: 28254/2016E.

90. Under the CEO & CFO, as a Senior Executive, Ferris was permitted to use company funds, including a Corporate American Express card to expense dinners, trips and other expenses purportedly to wine and dine customers to increase business.

91. During his employment, Ferris engaged in illegal practices where he abused the use of company funds and improperly expensed non-business related expenses to his BLOOMBERG travel and expense account.

92. PLAINTIFF reported to DEFENDANTS that Ferris improperly expensed more than \$40,000 which included extravagant trips, lunches and dinners for himself and his female reports while PLAINTIFF was not even permitted to treat her reports to pizza in the office or attend a business/educational conference to meet with staff and her independent contractors to promote the magazine.

93. PLAINTIFF worked closely with one of Ferris' direct reports, a young female Bloomberg employee, who assisted PLAINTIFF with the composition of *Bloomberg Briefs*.

94. This female employee who worked alongside Ferris's other female report, "Margaret Doe" was a witness with knowledge of the daily sexual harassment and torment her coworker was subjected to by Ferris.

95. Because PLAINTIFF developed a strong working relationship with this female employee, CFO DIAMOND saw PLAINTIFF as a threat and began isolating PLAINTIFF (and this female employee), who were potential witnesses in the lawsuit against BLOOMBERG and Ferris.

96. Defendant DIAMOND retaliated against PLAINTIFF for her knowledge and complaints against FERRIS by attempting to oust her, force her to resign and protect BLOOMBERG of a potential scandal if Ferris' illegal practices under CFO DIAMOND were revealed publically.

97. In PLAINTIFF's 2016 Interim Performance Evaluation, PLAINTIFF's Manager Diamond assigned the below ratings:

“Know the customer - Good  
Work hard - Good  
Move fast and thoughtfully - Distinguished  
Learn from mistakes - Good  
Be bold - Good  
Collaborate - Distinguished  
Lead by example - Distinguished  
Do the right thing - Good”

98. Although in PLAINTIFF's 2016 Interim Performance Review, CFO DIAMOND acknowledges she was doing a “Good” job, he questioned whether she would fit into BLOOMBERG's future business structure.

99. During her interactions with CFO DIAMOND, PLAINTIFF felt uncomfortable, demeaned and devalued given her achievements and previous success at BLOOMBERG. He often complimented PLAINTIFF's female peers' physical appearance in her presence and would turn and look at PLAINTIFF and then look away.

100. Shortly after the 2016 Interim Performance Review, CFO DIAMOND began reassigning or delegating PLAINTIFF's responsibilities to her peer.

101. In 2016, CFO DIAMOND effectively released PLAINTIFF of responsibility in the areas of subscription acquisition and marketing interaction with Bloomberg.com/>team. CFO DIAMOND's stripping of her duties undermined PLAINTIFF's credibility as a leader of her team.

102. In 2015 when the position of Circulation Business Head became available, PLAINTIFF advised CFO DIAMOND she was interested and wanted to be considered.

103. CFO DIAMOND made it known to PLAINTIFF and other BLOOMBERG employees and Executive Management that his first choice was Ferris.

104. However, shortly before the announcement of the position, Ferris was terminated by DEFENDANTS.

105. CFO DIAMOND kept the position open without filling it until September 2016. Upon announcing he would fill the position, CFO DIAMOND, with the approval of DEFENDANTS' Executive Management only considered external candidates and not PLAINTIFF.



106. As a result, on October 7, 2016, PLAINTIFF resigned from DEFENDANTS' employment.

107. During PLAINTIFF'S exit interview, BLOOMBERG human resources interrogated her regarding her knowledge of the sexual assault/harassment complaint filed against Ferris and demanded that she sign a non-disclosure agreement.

108. DEFENDANTS knew and/or should have known of the illegal business practices, gender discrimination, hostile work environment and unfair terms and conditions with respect to its employment of women including, and in particular, PLAINTIFF.

109. After PLAINTIFF's resignation, her position was temporarily eliminated. However, the position was reinstated after five months.

110. DEFENDANTS replaced PLAINTIFF with a less qualified 33 year old female.

**FIRST CAUSE OF ACTION**  
**Sex Discrimination - Disparate Treatment**

111. PLAINTIFF incorporates below all facts alleged in paragraphs 1 to 110.

112. By the aforementioned acts and as alleged further herein, Defendants were on notice of their practices and procedures that caused and/or permitted discriminatory treatment of PLAINTIFF with respect to her terms and conditions of employment at BLOOMBERG.

113. At all relevant times, Defendants maintained a pattern and practice of unlawful discrimination on the basis of sex.

114. As a result of Defendants' aforesaid acts, Defendants discriminated against PLAINTIFF on account of her sex in violation of the New York State Executive Law § 296 and/or New York City Administrative Code § 8-107 during the course of Defendants' employment of PLAINTIFF.

115. As a result of Defendants' discriminatory and adverse acts, PLAINTIFF suffered damages, including without limitation, deprivation of income and benefits, loss of employment opportunities, severe emotional distress, personal injuries, pain, suffering, mental anguish, humiliation, loss of enjoyment of life, damage to reputation and her career.

**SECOND CAUSE OF ACTION**  
**Hostile Work Environment Based On Sex**

116. PLAINTIFF incorporates below all facts alleged in paragraphs 1 to 115.

117. DEFENDANTS' persistent, frequent and pervasive conduct created a work environment at BLOOMBERG that was hostile, abusive, humiliating and degrading to their female employees, and in particular, PLAINTIFF.

118. DEFENDANTS subjected PLAINTIFF to a hostile work environment permeated with harassment based on sex that was sufficiently severe and pervasive to alter the conditions of PLAINTIFF's employment, in violation of New York State Executive Law § 296 and New York City Administrative Code § 8-101, *et seq.*

119. As a result of DEFENDANTS' creation of a hostile work environment, PLAINTIFF has suffered damages including, without limitation, deprivation of income and benefits, termination of employment, loss of opportunity for advancement and promotion, severe emotional distress, personal injuries, pain, suffering, inconvenience, mental anguish, humiliation and damage to reputation and career.

**THIRD CAUSE OF ACTION**  
**Sex Discrimination - Disparate Impact**

120. PLAINTIFF incorporates below all facts alleged in paragraphs 1 to 119.

121. By reason of DEFENDANTS' aforementioned acts, DEFENDANTS discriminated against PLAINTIFF and/or other female employees on account of their sex on a regular and systematic basis during their employment.

122. DEFENDANTS discriminated against PLAINTIFF and/or other female employees on account of their sex in their hiring, promotion, training, treatment and termination during their employment and thus caused a disparate discriminatory impact upon female employees in violation of the New York City Administrative Code § 8-107 and the NYS Executive Law § 296.

123. 135. As a result of DEFENDANTS' discriminatory and adverse acts, PLAINTIFF and/or other female employees have suffered damages including, without limitation, deprivation of income and benefits, loss of opportunity for advancement and promotion, severe emotional distress, pain, suffering, inconvenience, mental anguish, humiliation and damage to reputation and career.

**FOURTH CAUSE OF ACTION**  
**Age Discrimination - Disparate Treatment**

124. PLAINTIFF incorporates below all facts alleged in paragraphs 1 to 123.

125. By reason of DEFENDANTS' aforementioned acts, DEFENDANTS discriminated against PLAINTIFF on account of her age on a regular and systematic basis during her employment with BLOOMBERG, L.P.

126. DEFENDANTS maintained a pattern and practice of discriminating against PLAINTIFF on account of her age in their hiring, promotion, training, treatment and termination during her employment with BLOOMBERG, L.P. in violation of the New York City Administrative Code § 8-107 and the NYS Executive Law § 296.

127. As a result of DEFENDANTS' discriminatory and adverse acts, PLAINTIFF has suffered damages including, without limitation, deprivation of income and benefits, loss of opportunity for advancement and promotion, severe emotional distress, pain, suffering, inconvenience, mental anguish and humiliation and damage to reputation and career.

**FIFTH CAUSE OF ACTION**  
**Age Discrimination - Disparate Impact**

128. PLAINTIFF incorporates below all facts alleged in paragraphs 1 to 127.

129. By reason of DEFENDANTS' aforementioned acts, DEFENDANTS discriminated against PLAINTIFF and/or other female employees on account of their age on a regular and systematic basis during their employment.

130. DEFENDANTS discriminated against PLAINTIFF and/or other employees on account of their age in their hiring, promotion, performance ratings, training, support, opportunity, treatment and termination during their employment and thus caused a disparate discriminatory impact upon its older employees in violation of the New York City Administrative Code § 8-107 and the NYS Executive Law § 296 and other applicable statutes.

131. As a result of DEFENDANTS' discriminatory and adverse acts, PLAINTIFF and/or other employees have suffered damages including, without limitation, deprivation of income and benefits, loss of opportunity for advancement and promotion, severe emotional distress, pain, suffering, inconvenience, mental anguish, humiliation and damage to reputation and career.

**SIXTH CAUSE OF ACTION**  
**Aiding and Abetting Against Individual DEFENDANTS**

132. PLAINTIFF incorporates below all facts alleged in paragraphs 1 to 131.

133. By and the aforementioned acts, the individual DEFENDANTS aided, abetted, incited, compelled or coerced acts forbidden under the NYC Administrative Code, § 8-101 *et seq.*, in violation of the NYC Administrative Code § 8-107(6).

134. As a result of DEFENDANTS' illegal conduct against her, PLAINTIFF has suffered damages, including, without limitation, deprivation of income and benefits, loss of opportunity for advancement and promotion, severe emotional distress, personal injuries, pain, suffering, mental anguish, humiliation, damage to reputation and career.

**SEVENTH CAUSE OF ACTION**

**Retaliation**

135. PLAINTIFF incorporates below all facts alleged in paragraphs 1 to 134.

136. By and the aforementioned acts, DEFENDANTS and their agents were on notice that its practices and procedures violated state and/or local statutes and/or regulations.

137. PLAINTIFF's knowledge of DEFENDANTS' illegal practices and support of a potential employee witness and/or former employee victim in a lawsuit against DEFENDANTS resulted in retaliatory action taken against her that culminated in the pretextual reason for DEFENDANTS' hostile treatment, adverse action and constructive discharge.

138. As a result of DEFENDANTS' retaliation against her, PLAINTIFF suffered damages, including, without limitation, deprivation of income and benefits, loss of opportunity for advancement and promotion, severe emotional distress, personal injuries, pain, suffering, mental anguish, humiliation and damage to reputation and career.

**WHEREFORE**, PLAINTIFF JOHNNA AYRES respectfully requests that this Court grant judgment for her and that it order and award her the following relief against the DEFENDANTS BLOOMBERG, L.P., MICHAEL BLOOMBERG and LAWRENCE DIAMOND:

(1) Grant PLAINTIFF declaratory judgment that the acts, policies, practices, and procedures complained of herein violated PLAINTIFF's rights as secured by the New York City Administrative Code, § 8-101, and the New York State Executive Law § 296 and such other statutes that provide protection against discrimination;

(2) Grant PLAINTIFF preliminary and permanent injunctions, prohibiting the DEFENDANTS, their agents, successors, employees, and those acting in concert with them and at their direction from engaging in any of the practices set forth above and any other practice shown to be unlawful or retaliatory or discriminatory on the basis of sex and age with respect to compensation, terms, conditions and privileges of employment or from continuing or maintaining a policy, practice, custom or usage of denying, abridging, withholding, conditioning, limiting or otherwise interfering with the rights of PLAINTIFF to enjoy equal employment opportunities secured by law;

(3) Establish an imposed oversight and monitoring of the activities of DEFENDANTS to prevent future acts of retaliation;

(4) Establish a mechanism for the enforcement of the injunctions by requiring the Defendants to present to the Court within 30 days of the issuance of the injunction, (a) a

plan showing precisely and in detail how they will comply with the Court's order and that they cease and desist from policies, practices, customs and usages of discrimination against PLAINTIFF and other persons similarly situated and (b) reimbursement for lost bonuses, health benefits, 401K contributions, social security, experience, training opportunities, and other benefits; in an amount to be proved at trial;

(5) Compensatory damages for emotional pain and suffering, mental anguish, humiliation, loss of reputation and opportunity and permanent disability in an amount to be proved at trial, but believed to exceed \$5,000,000;

(6) Liquidated damages in an amount to be awarded at trial;

(7) Punitive damages in an amount to be awarded at trial;

(8) Attorneys' fees, costs and disbursements;

(9) Interest; and

(10) Such additional relief to plaintiff as the Court deems just and proper.

Dated: New York, New York

August 23, 2018

THE CLANCY LAW FIRM, P.C.

By: /s/ Donna Clancy  
Donna H. Clancy, Esq.  
The Trump Building  
40 Wall Street, 61<sup>st</sup> Floor  
New York, New York 10005  
(212) 747-1744  
Attorneys for Plaintiff  
*Johnna Ayres*



VERIFICATION

STATE OF NEW YORK            )  
  ss.:  
COUNTY OF NEW YORK        )

Donna H. Clancy, an attorney at law, duly admitted to practice in the Court of the State of New York, affirms under the penalties of perjury, that:

I am the founding attorney of The Clancy Law Firm, P.C., attorneys of record for Plaintiff JOHNNA AYRES.

I have read the foregoing VERIFIED COMPLAINT and know the contents thereof, and upon information and belief, I believe the matters alleged therein to be true.

The reason this verification is made by deponent and not by the Plaintiff is that the Plaintiff resides in a County other than the one in which the Plaintiff's attorneys maintain their office.

The source of deponent's information and the grounds for belief here are communications, papers, reports and investigations contained in the file.

Dated: New York, New York  
August 23, 2018

THE CLANCY LAW FIRM, P.C.

By: /s/ Donna Clancy  
Donna H. Clancy, Esq.  
The Trump Building  
40 Wall Street, 61<sup>st</sup> Floor  
New York, New York 10005  
(212) 747-1744  
*Attorneys for Plaintiff  
Johnna Ayres*

SUPREME COURT OF THE STATE OF NEW YORK,  
COUNTY OF KINGS

Index No.:

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JOHNNA AYRES,

Plaintiff,

-against-

BLOOMBERG L.P., MICHAEL BLOOMBERG and LAWRENCE DIAMOND,

Defendants.  
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**SUMMONS AND VERIFIED COMPLAINT**  
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**THE CLANCY LAW FIRM, P.C.**

Attorneys for Plaintiff  
40 Wall Street - 61<sup>st</sup> Floor  
New York, New York 10005  
(212) 747-1744

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To Service of a copy of the within is hereby admitted.

Dated: -----20-----

Attorneys for Plaintiff  
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PLEASE TAKE NOTICE:  
NOTICE OF ENTRY

that the within is a (certified) true copy of an Order duly entered  
in the office of the clerk of the within named court

NOTICE OF SETTLEMENT

that and order of which the within is a true copy will be presented for settlement to  
the HON. one of the judges of the  
within named Court, at

On 20 at M.

Dated,  
Yours, etc.  
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