

5. Venue is appropriate in this District because the Firm's principal place of business is found in this District and all the relevant actions occurred within the District.

6. Plaintiff has exhausted her administrative remedies to the extent required under Title VII.

RELEVANT FACTUAL BACKGROUND

Plaintiff's Background

7. Plaintiff graduated from the University of Pennsylvania Law School, where she served as Executive Editor of *The University of Pennsylvania Law Review*.

8. Prior to joining the Firm, Plaintiff served as law clerk to the Honorable Donald W. Van Arsdale of the United States District Court for the Eastern District of Pennsylvania and was employed by Wolf Block, Schorr & Solis-Cohen and Pepper Hamilton, LLP.

Plaintiff's Employment with the Firm

9. Until her termination in September, 2005, Plaintiff had been employed as an attorney with the Firm since January 1999.

10. Plaintiff was promoted from "associate" to "junior member" in January 2001.

11. During the almost seven years that she was employed by the Firm, Plaintiff was generally highly regarded. Her work was consistently rated as "excellent" or "outstanding," and she represented some of the Firm's most prominent clients in substantial matters.

12. On numerous occasions, and throughout her tenure at the Firm, Plaintiff was recruited to serve as a mentor for first-year and summer associates, and to make presentations to new attorneys on litigation skills and techniques.

13. Plaintiff was known as a "team player" who supported all the Firm's endeavors and causes, who could be counted on to represent the Firm at all manner of functions, and who was among a minority of the Firm's lawyers who voluntarily and regularly responded to founding shareholders Steve Cozen's and Pat O'Connor's requests for contributions to the Firm's political action committees and designated charities. She provided significant *pro bono* legal services to a number of organizations, and was one of a handful of attorneys who met the firm's mandatory *pro bono* hours.

14. Plaintiff was on the steering committee of the Women's Alliance, a group of female attorneys employed by the Firm. The Women's Alliance was organized by the Firm as a marketing vehicle to promote female attorneys at the Firm and to give the impression of being a progressive, woman-friendly law firm. Plaintiff was instrumental and very successful in organizing events that would welcome and assimilate new female lawyers into the Firm, and also to introduce women in decision-making roles to the Firm, particularly women employed as general counsel in insurance companies, with whom the Firm was eager to make a good impression.

15. In March 2005, just a few months prior to her discriminatory and retaliatory termination, Plaintiff received an excellent evaluation, a salary increase that was, upon information and belief, among the highest in the Firm and a bonus that was among the largest awarded to junior members all in recognition of her outstanding ability, judgment, and contributions to the Firm.

Plaintiff is Banned from Using "Firm Resources" in Political Activities

16. Plaintiff has been heavily involved in politics in Haverford Township for about twenty years. Politics in Haverford is historically contentious.

17. In the course of her political involvement, Plaintiff had drawn the attention of Kenneth A. Clouse, then President Judge of the Court of Common Pleas for Delaware County, because Plaintiff had raised objections regarding his involvement in Haverford Township politics, which involvement is prohibited for members of the judiciary.

18. In or about the early Spring of 2004, Judge Clouse unsuccessfully attempted to contact Steven Cozen for the purpose of complaining about Plaintiff and demanding that the Firm terminate her. Plaintiff learned about Judge Clouse's plans from a mutual acquaintance and informed Mr. Cozen, then Chairman of the firm, who assured her that she had nothing to worry about, and that if Judge Clouse wanted to "play politics" with him, he would "welcome the challenge." Upon information and belief, Judge Clouse and Mr. Cozen ultimately did not speak about the matter.

19. Later in the spring of 2004, Judge Clouse retained Richard A. Sprague, Esquire, for the purpose of bringing suit against Plaintiff and Andy Lewis, Plaintiff's friend and political ally, to allege that they had defamed him in the course of objecting to his political activities.

20. Mr. Sprague contacted Patrick O'Connor to complain about Plaintiff's political activities, and, upon information and belief, told Mr. O'Connor that if Plaintiff were not fired, he would include the Firm in the suit.

21. Mr. O'Connor instead told Plaintiff that she was henceforward prohibited from using any "Firm resources" in connection with her political activities.

22. Plaintiff made every effort to comply with that directive.

23. In mid-November 2004, Plaintiff used the Firm's letterhead to send a "preservation of evidence" letter to George R. Twardy, Jr., Esquire, a Haverford Township political opponent who was publicly threatening to sue her.

24. Mr. Twardy thereupon retained M. Mark Mendel, Esquire, who contacted Mr. O'Connor and told him that Mr. Twardy would also sue the Firm unless the Firm fired Plaintiff.

25. In early December 2004, Kevin Berry, then Chairman of the Commercial Litigation Department, called Plaintiff to his office and told Plaintiff that she was insubordinate, that Mr. O'Connor was very angry, and that if Mr. Berry wanted to, he could fire Plaintiff immediately.

26. Mr. Berry told Plaintiff that using Firm resources for anything personal, civic or political was a violation of Firm policy that deserved immediate termination. Mr. Berry said that Plaintiff was the only attorney in the Firm who had ever used Firm letterhead, fax machines, or email for such purposes.

27. Mr. Berry told Plaintiff that she had deliberately disobeyed Mr. O'Connor's direct orders not to use Firm resources in her political activities. Mr. Berry scoffed at Plaintiff's explanation that she thought of the "preservation of evidence" letter as a prudent litigation move, not a political activity.

28. Mr. Berry also told Plaintiff that Mr. O'Connor was embarrassed by the impression she had created that he could not control his subordinates. Upon information and belief, Mr. O'Connor was particularly embarrassed because Plaintiff is female, and

Mr. O'Connor does not approve of women who are assertive and who do not fulfill his belief that women should be meek and subservient.

29. Mr. Berry repeated the warning that Plaintiff was not to use Firm resources in any political, personal, or civic matters, and also sent Plaintiff a memo to the same effect.

30. Plaintiff continued to avoid use of "Firm resources" in connection with such matters by, for example, using her cell phone instead of the Firm's phone, and using her Yahoo! email account and directing her friends to call her cell phone and email her Yahoo! account.

31. Nevertheless, starting in late 2004 and continuing throughout 2005, at the direction of Patrick J. O'Connor, then Chief Executive Officer of the Firm, and perhaps Steven Cozen, Mr. Berry embarked on a campaign of harassment against Plaintiff, which campaign arose from their shared belief that it is inappropriate and unseemly for female attorneys to be politically active, especially in controversial matters.

32. Upon information and belief, Mr. Cozen, Mr. O'Connor and Mr. Berry perceived politically active women as aggressive, overbearing, and unattractive, and therefore a detriment to the Firm. Further, upon information and belief and observation, Mr. Cozen, Mr. O'Connor and Mr. Berry prefer and promote women who fit traditional female stereotypes of being attractive, compliant, and mild-mannered, a standard that is not applied to male attorneys.

33. In contrast, Mr. Cozen, Mr. O'Connor, and Mr. Berry had no objection to the widespread, aggressive, controversial and continuing and/or deepening political involvement of numerous male attorneys at the Firm. To the contrary, they supported the political involvement of the Firm's male attorneys, financially and otherwise, whether the involvement was in local, state or national politics.

34. For example, one male Firm lawyer, Patrick Murphy, was running for the United States Congress during the very time that Mr. Cozen, Mr. O'Connor and Mr. Berry were requiring Plaintiff to curb her political involvement. Upon information and belief, the Firm provided Mr. Murphy with a salary, an office, and a secretary throughout his campaign for Congress. Patrick O'Connor was particularly supportive of Mr. Murphy's candidacy and once told Plaintiff that Mr. Murphy "will be President someday."

35. Numerous male attorneys at the Firm are politically active, and no restrictions are placed on their political involvement, including, but not limited to, the following examples:

- a. Stephen Cozen has been publicly associated with the campaigns of Ed Rendell, Bob Brady, Phil English, and Bill Richardson, among others, and frequently solicits Firm employs for contributions to their campaigns.
- b. Pat O'Connor worked on the campaigns of numerous candidates, including Patrick Murphy and various Lackawanna County candidates, and frequently solicits Firm employs for contributions to their campaigns.
- c. Mark Schultz was active with Senator Arlen Specter's reelection campaign, and used "Firm resources" to send out fund-raising letters on Senator Specter's behalf.
- d. Ross Weiss has served as treasurer for various Montgomery County Republican candidates over the years, upon information and belief a service he performs from his offices at the Firm, with the assistance of Firm personnel and using "Firm resources."
- e. Barry Kitain ran for School Board in Upper Darby Township in a highly contentious, well-publicized race.
- f. At the very time that the Firm was punishing Plaintiff for her political involvement, in September 2005, Jim Robinson hosted a reception at the Firm's offices for a candidate for district justice, Chris Cerski, and used Firm resources to distribute Mr. Cerski's campaign literature.

36. Plaintiff had been promoted from associate to junior member in January 2001. In January 2005, Plaintiff was up for promotion to senior member. Plaintiff was qualified for this promotion.

37. In January, 2005 Plaintiff was advised by Philip R. Kircher, a senior member at the Firm and Plaintiff's "team leader," that she should withdraw her name from consideration for promotion to senior member. According to Mr. Kircher, Mr. Berry was "gunning" for her, and would fight to keep her from being promoted.

38. Plaintiff talked to H. Robert Fiebach, another senior member who confirmed Mr. Kircher's perception.

39. Plaintiff decided to take their advice, and Plaintiff withdrew her name from consideration.

March 2005 Evaluation

40. In March, 2005 Plaintiff got her regular annual evaluation, which was delivered by Mr. Berry, in his capacity as department chair.

41. As it had been in all previous years, Plaintiff's marks were almost all among the highest possible, and she received uniformly positive evaluations.

42. Plaintiff also received a significant raise and a merit bonus. In fact, upon information and belief, the Firm gave Plaintiff the highest percentage raise of all junior members that year, and one of the highest bonuses.

The Frivolous Disciplinary Charges

43. Shortly thereafter, in mid-March 2005 Plaintiff received a letter from the Office of Disciplinary Counsel of the Disciplinary Board of the Supreme Court of Pennsylvania, advising

Plaintiff that her Haverford political opponent, George R. Twardy, Jr., Esquire, had filed a complaint against her.

44. Though he played no part in responding to the disciplinary complaint, Mr. Berry asked Thomas C. Wilkinson, a senior member, with whom Plaintiff had been working on the response, to send him all Plaintiff's files on all Haverford matters.

45. The disciplinary charges were quickly dismissed as groundless.

46. On or about March 24, 2005, Mr. Berry called Plaintiff to a meeting with him and senior member Fred Jacoby. Mr. Berry told Plaintiff that he reviewed all the Haverford-related files, and that he had found a "large number" of infractions of Firm rules and policies. It soon became evident to Plaintiff that Mr. Berry had spent an inordinate amount of time on this project, even though he had no role in responding to the disciplinary complaint. In other words, Mr. Berry's undertaking was entirely gratuitous, and in the nature of a fishing expedition.

47. Plaintiff soon stopped trying to explain or justify her actions, because it was evident that Mr. Berry regarded any explanation as an attempt to dodge responsibility or minimize the problem.

48. At the conclusion of the meeting it was obvious to Plaintiff that Mr. Berry wanted to fire her.

Probation

49. On or about April 25, 2005, Mr. Berry called Plaintiff to his office for a meeting.

50. Plaintiff was informed by Mr. Berry that the Firm had determined to place Plaintiff on probation for six months.

51. Mr. Berry told Plaintiff that if he had had his way, Plaintiff would have been terminated immediately, but that other persons had convinced him that, in view of her excellent work and her "potential," a lesser sanction was warranted.

Mr. Berry Fabricates Additional Allegations Against Plaintiff

52. On August 10, 2005 Plaintiff got an email from Mr. Berry instructing Plaintiff to call his secretary and set up a time to see him.

53. Plaintiff made arrangements to meet with Mr. Berry on August 15, 2005. Plaintiff was flabbergasted when Mr. Berry told Plaintiff that he had received a report that Plaintiff had instructed her team's file clerk to "lie about something."

54. Mr. Berry gave Plaintiff the impression that the file clerk had come to him, distressed because Plaintiff had asked him to tell a colleague, Cathi Snyder, (Steven Cozen's daughter), that Plaintiff had not received a file until a certain day, when in fact Plaintiff had received it ten days prior. Mr. Berry said that the file clerk said that the file was on her desk the whole ten days and Plaintiff had overlooked it but didn't want Ms. Snyder to know this.

55. Plaintiff informed Mr. Berry that the allegation was untrue, and explained what really had happened.

56. Mr. Berry told Plaintiff though that when the allegations reached him -- and again, leading Plaintiff to believe that the file clerk came to him -- he had to look into it because, if true, it demonstrated very bad judgment on her part, sufficiently bad to require her immediate termination.

57. Plaintiff later learned that the file clerk did *not* tell Mr. Berry about the incident. Instead, Mr. Berry heard about it from someone else, and Mr. Berry had called the file clerk to his office to ask him about it.

58. The file clerk told Plaintiff he felt the whole thing was exaggerated, and he was upset and embarrassed. In response to her email query to him, the file clerk told Plaintiff that:

“Kevin heard it from someone else. I had absolutely no intention of it going to Kevin. I think it was blown way out of proportion, building a mountain out of a mole hill. I'm very sorry that it was brought to Kevin's attention. I had nothing to do with that, nor wanted any participation with him. Kevin called her into his office one day and asked what happened.”

59. It is apparent that, having been disappointed in his efforts to fire her after his gratuitous investigation at the time of the disciplinary complaint, Mr. Berry heard something that he hoped he could use against Plaintiff so that he could terminate her, and he pursued it until he reached the disappointing conclusion that she had done nothing wrong.

The Haverford State Litigation

60. On or about August 11, 2005, Plaintiff learned that a developer had brought suit against Haverford Township, in connection with the stalled development of the Haverford State property.

61. Correctly anticipating that she would be asked to submit a proposal to represent the Township, Plaintiff ran a conflict check to ensure that the firm would not have a conflict if it represented the Township.

62. Unbeknownst to Plaintiff, Mr. Berry had also learned of the lawsuit and the possible representation, and had responded to it without even informing Plaintiff, notwithstanding his knowledge of her longstanding involvement with this potential client.

63. Upon information and belief, had Plaintiff been a male attorney with a longstanding association with a potential new client, Mr. Berry would have had the courtesy to inform her of the contact, and, indeed, would have involved her in the response. Indeed it is inconceivable that Mr. Berry would have “shut out” a male attorney in the course of responding to an RFP issued by a potential client with whom the male attorney had extensive contact.

64. Instead, Mr. Berry grew angry with Plaintiff for asking to be involved in the response, and, ignoring her, proceeded to assemble a team of male attorneys for the proposed representation.

65. Mr. Berry's submission to Haverford Township was nonresponsive, inadequate, and poorly presented. As a result of his failure to include Plaintiff in preparing the submission, and his generally cavalier attitude toward the RFP, the Firm did not get the representation, which would have generated hundreds of thousands of dollars in fees over the course of several years.

Plaintiff Complains of Discrimination

66. On August 31, 2005, Plaintiff brought her concerns to the attention of Cheryl Progin, the Firm's Human Resources Director.

67. Ms. Progin appeared sympathetic and concerned, and encouraged Plaintiff to put her story in writing.

68. On or about September 3, 2005, Plaintiff did so, specifically alleging in good faith that she believed Mr. Berry was unlawfully discriminating against her on the basis of her gender. By way of example, Plaintiff informed Ms. Progin that she considered her probation and the prohibition on use of “Firm resources,” as well as Mr. Berry’s overall scrutiny of her political activities, to be disparate treatment.

69. Plaintiff then scheduled a meeting for Wednesday, September 7, 2005 with Ms. Progin to discuss her allegations and her reasons for believing that Mr. Berry was treating her differently because of her gender.

70. Plaintiff pointed out that, as the probationary period drew to a close, Mr. Berry had "starved" her for new work, refusing to assign her new cases so that her billable hours had dropped precipitously as several of her cases had settled or quieted down.

71. Plaintiff also reported that Mr. Berry had falsely claimed that Plaintiff's political activities were causing the Firm harm in Delaware County when, in fact, Firm lawyers with active cases in Delaware County, including Pat O'Connor's brother, Jim O'Connor, had told Mr. Berry that this was not true.

72. Plaintiff also reported that, Mr. Berry's treatment of her had aggravated a longstanding neurological condition.

73. By way of comparing the Firm's treatment of female lawyers with male lawyers in comparable circumstances, Plaintiff also pointed out that when Robert Hayes, a male attorney at the Firm, was accused by a federal judge — in a reported opinion — of a very serious infraction — suborning perjury during a high-profile trial. Mr. Cozen sent out a Firm-wide email expressing his unqualified support for Mr. Hayes and instructing all Firm employees also to give Mr. Hayes their unqualified support. In contrast, when Mr. Berry thought that Plaintiff had been accused of a very minor infraction — by a file clerk — Mr. Berry purported to consider that infraction so serious an offense that it warranted termination, and undertook an exhaustive examination of her files in an attempt to find other infractions.

74. As further illustration of disparate treatment, Plaintiff compared the unqualified support given Mr. Hayes when the same federal judge referred his allegations of suborning perjury to the disciplinary committee, with the treatment accorded her when an avowed political enemy filed entirely baseless disciplinary charges against her: no support was offered, and instead Plaintiff was subjected to a grueling interrogation and was condemned for purported violations of internal Firm procedures.

75. Plaintiff also reminded Ms. Progin that she was the only female attorney in the Firm who, upon information and belief, was politically active, and the only person in the Firm who had limitations placed on her political activities by the Firm.

76. By memo dated Friday, September 9, 2005, just a few business days after receiving Plaintiff's complaint of discrimination, Ms. Progin told her that she had investigated and determined that Plaintiff's allegations were unfounded.

Retaliatory Termination

77. On Monday, September 12, 2005 -- just a few days after she had complained of discrimination -- Plaintiff was told to appear at a late afternoon meeting with Fred Jacoby, the Chairman of the Firm's Business Litigation Department, and Ms. Progin.

78. At that meeting Ms. Progin presented Plaintiff with four documents that she said that she had printed off the Firm's document management system. Ms. Progin and Mr. Jacoby told Plaintiff that these documents demonstrated that she was in violation of the ban on her using Firm resources in connection with her political or civic activities, and that they could fire her immediately.

79. Plaintiff explained that the documents had been emailed to her Yahoo account by Andy Lewis, a Haverford Township Commissioner, in or about August 2005, so that she could edit them for him, and that she had saved them to the Firm's hard drive, made some edits, and emailed them back to him on her Yahoo account. Moreover, all four documents were civic in nature, and not political, in that — the documents were his constituent newsletters, and the printing and postage were paid for by the Township and not by any political entity.

80. Plaintiff also asked Ms. Progin how she came upon these documents. Ms. Progin told Plaintiff that, in the course of any investigation into a claim of discrimination, she reviewed the firm's database for evidence of discrimination.

81. Plaintiff asked Ms. Progin why she would be searching Plaintiff's database for evidence of *Mr. Berry's* discriminatory treatment, but Ms. Progin refused to answer.

82. After the September 12, 2005 meeting Plaintiff reviewed the "history" of the four documents that had been presented to her at the meeting as evidence of her violation of the ban on her using Firm resources in connection with political or civic activities.

83. Plaintiff discovered that the four documents had *not* been discovered by Cheryl Progin in the course of her investigation, as Ms. Progin had claimed. Rather, the history revealed that the documents had been accessed and printed by Kevin Berry, on September 1, 2005 — the day after Plaintiff had first informed Ms. Progin of her allegations of sex discrimination against Mr. Berry.

84. Plaintiff sent an email to Ms. Progin and Mr. Jacoby stating that "I think it's clear that by searching for 'evidence' of a probation violation almost immediately upon learning of my

allegations, and then presenting the 'evidence' to Cheryl, Kevin was retaliating against me for leveling allegations of discrimination against him."

85. The history of the documents also showed that one of them had been accessed by Terry Kufen, the Firm's Enterprise Network Systems Manager.

86. On September 13, 2005, Plaintiff sent Mr. Kufen a short email asking him why he had accessed her documents:

Hi Terry -- I am curious about something. I noticed that on September 8, 2005 at 9:15a.m., you "looked" at document # 2326812. May I ask why? Just curious. Thanx.

Plaintiff did not receive any response from Mr. Kufen.

87. On September 20, 2005, Plaintiff was in the lobby shop, when she saw that Mr. Kufen was standing next to her. Remembering that she had not received any response to her email, Plaintiff said to Mr. Kufen, "Terry, did you get my email?" Mr. Kufen responded that, "I was instructed not to answer that email by HR." Plaintiff said, "Thanks, Terry, that tells me all I need to know." Mr. Kufen apologized and said, "I hope you understand why I can't talk about this." Plaintiff said, "of course, I am not putting you in the middle, don't worry about it, thanks."

88. By memo dated September 22, 2005, Ms. Progin stated that Plaintiff's interaction with Mr. Kufen, "demonstrate[d] a serious lack of judgment on your part."

89. Since it was apparent that the Firm was retaliating against her for complaining about gender discrimination, Plaintiff determined to try to plead her case to Patrick O'Connor. At this time, she did not know if Mr. O'Connor knew about her allegations against Mr. Berry, and the retaliation that had followed immediately afterward, but she had always had a good working relationship with Mr. O'Connor -- at least before she alleged discrimination by Mr. Berry.

Plaintiff hoped that Mr. O'Connor would be more influenced by her outstanding legal work for some of his most important clients on very important cases than by her allegations against Mr. Berry, and that he would tell his employees to stop retaliating against her.

90. Plaintiff called Mr. O'Connor at 10:00a.m. on Friday, September 23, 2005, but his secretary told her that he was out of the office. Plaintiff left a message, but never heard from Mr. O'Connor.

91. Convinced that she was being set up for termination, later on Friday, September 23, 2005, Plaintiff sent a memo to Messrs. O'Connor and Cozen, stating, inter alia, that

Kevin Berry and Cheryl Progin, and perhaps Fred Jacoby, have made it clear that they want me out of here, and I don't want to go. I love my job, I am an excellent lawyer, I get uniformly excellent evaluations, clients love me, and I have been a good Firm citizen for almost seven years. I don't understand why all that is being ignored while a case is being built against me to justify my termination.

Plaintiff attached various documents to this memo and asked Messrs. O'Connor and Cozen to contact her. She never heard from them.

92. The following Monday, September 26, 2005, at about 1:00 p.m., Plaintiff was out of the office and got a call from Mr. Jacoby. He said that he had received a call from Mr. O'Connor, telling him to "resolve this immediately." Plaintiff agreed to meet with Mr. Jacoby on Tuesday, September 27, 2005 at 2:00 p.m.

93. On Tuesday, September 27, 2005 at 2:00 p.m. Plaintiff arrived at the conference room and found Mr. Jacoby, Ms. Progin, and John Cunningham, another senior partner, waiting for her.

94. Mr. Jacoby told Plaintiff that the decision had been made to terminate her "effective immediately."

95. When Plaintiff expressed shock, and reminded them that she had always been a good employee and an excellent lawyer, Mr. Jacoby told her "this has nothing to do with your work." Mr. Jacoby also stated that the decision to terminate her had come from the "highest levels," and specifically mentioned Mr. O'Connor and that Mr. O'Connor believed that Plaintiff had been "making trouble."

Post-Employment Actual and Attempted Retaliation

96. In or about late July 2005, Alan Wohlstetter, a senior member of the Firm, had sent out an email asking if anyone at the Firm was interested in the recent opening for General Counsel of the School District of Philadelphia.

97. Plaintiff thought it sounded like a good opportunity, so she told Mr. Wohlstetter that she was interested. He told her that he thought she was "perfect" for the job, but that she would have to talk to Mr. O'Connor.

98. Plaintiff called Mr. O'Connor and told him of her interest. He told her that he wanted to recommend someone to the School District who would be loyal to the Firm and continue to send it bond work, and that he considered this job opening a "corporate opportunity."

99. Plaintiff told Mr. O'Connor that, as long as Mr. Wohlstetter continued to do excellent bond work for the School District, she could not see why she would disturb that relationship.

100. Mr. O'Connor then told Plaintiff that he agreed that she would be an excellent choice for the job, that he would support her application, and that he would recommend her to

Paul Vallas, then-superintendent of the Philadelphia school district, and James Nevels, then-chairman of the School Reform Commission.

101. After Plaintiff was fired and the Firm learned that she had engaged counsel in regard to Plaintiff's potential discrimination claims, Mr. O'Connor said that he could no longer support her application and would not recommend her.

102. Additionally, the Firm has blocked all incoming emails from Plaintiff's Yahoo account, including to friends at the Firm regarding personal matters. Plaintiff was unaware that her emails were blocked until several weeks later, and as a result, she "stood up" some persons with whom she had lunch dates and who did not know she had been terminated.

103. Upon information and belief, no other lawyer who has left the Firm without raising a claim of discrimination, has been subjected to such treatment. In fact, the Firm has never before interfered with communications between a former employee and current employees.

104. By email dated October 3, 2005, Plaintiff had asked Terry Kufen to please arrange to have her emails forwarded to her.

105. Plaintiff never received a response to this email, and not one email has ever been forwarded to her, which is also inconsistent with the Firm's past practice. In fact, in at least one instance the system was programmed to automatically forward all emails to the former employee, at his new e-mail address at a competing law firm.

106. The Firm's interference with Plaintiff's inbound e-mails, and its refusal to forward emails to her, also caused harm to Plaintiff's professional reputation because she appeared to be unresponsive to persons who were e-mailing her and did not know that she was terminated. The Firm has also created the impression that Plaintiff was terminated for misconduct.

107. Moreover, Plaintiff's United States mail was not forwarded to Plaintiff, including personal letters and cards, holiday greeting cards, magazines to which she subscribed, and advertisements of a professional nature. Upon information and belief, the Firm had interfered with the United States mail by failing to forward her mail and instead retaining and/or disposing of it.

108. Plaintiff has also been informed that the Firm refused to give out her phone number or explain to clients or potential clients her whereabouts.

109. In another attempt at retaliation, the Firm threatened to fight Plaintiff's claim for unemployment compensation unless she signed a waiver and release of her claims of discrimination. The Firm only backed away from this threat after Plaintiff's counsel informed the Firm's counsel that he viewed the Firm's actions as a form of retaliation.

110. In addition, in another attempt at retaliation, the proposed waiver and release contained a provision that Plaintiff "agrees that she will not initiate any contact with existing clients of [the Firm] subsequent to her employment termination on September 27, 2005."

111. By proposing this term, the Firm and the authoring attorney(s) violated Rule 5.6(b) of the Pennsylvania Rules of Professional Conduct, which specifically prohibits a lawyer from participating in or offering an agreement that restricts the right of a lawyer to practice after termination of an employment relationship, except in connection with retirement or the sale of a practice.

Denouement

112. In late November 2005, Plaintiff obtained other employment, where she continues to work, but at a decreased salary and with fewer benefits and with far less opportunity for professional growth and advancement.

113. In February 2006, Plaintiff suffered a spinal cord stroke which left her partially disabled, with parts of her upper body paralyzed. She continues to work, however, to support her two children and four informally adopted children, all of whom are in college or medical school.

114. In the spring of 2007 Plaintiff's political activities that had so offended Mr. Cozen, Mr. O'Connor and Mr. Berry began to yield results, and Plaintiff's actions were vindicated:

- a. In April 2007 the Pennsylvania Judicial Conduct Board issued a Letter of Counsel against Judge Clouse which addressed his involvement in Haverford Township politics. (A Letter of Counsel "is one of the board's most serious form of private disposition, short of filing formal charges in the Court of Judicial Discipline. The procedure requires a judicial officer (Clouse) to present himself before chief counsel to sign and receive a Letter of Counsel about the complained of conduct and embodies the board's official expression of concern and disapproval.").
- b. In April 2007 a grand jury that had been empaneled as a result of Plaintiff's investigation into corruption in Haverford Township indicted one Commissioner and issued a scathing report condemning the conduct of former Commissioner George R. Twardy, Jr., the person who had filed the baseless disciplinary charge against Plaintiff.

COUNT I
TITLE VII- GENDER DISCRIMINATION

115. Plaintiff incorporates the previous paragraphs of the complaint as though fully set forth herein.

116. By the aforesaid conduct, including but not limited to her probation and ultimate termination, Plaintiff was treated differently than similarly situated male employees of the firm.

117. Said treatment constitutes a violation of Title VII of the Civil Rights Act of 1964 as amended.

WHEREFORE Plaintiff seeks judgment in her favor and against defendant Cozen O'Connor for (a) backpay and benefits; (b) reinstatement and/or front pay and benefits in lieu of reinstatement; (c) statutory compensatory and punitive damages; (d) attorneys' fees and costs; and (e) such legal and/or equitable relief as allowed by law, in an amount not less than the arbitration limit of \$150,000.00.

COUNT II
TITLE VII – RETALIATION

118. Plaintiff incorporates the previous paragraphs of the complaint as though fully set forth herein.

119. By the aforesaid conduct, Cozen O'Connor retaliated against Plaintiff for opposing the Firm's discriminatory practices of gender discrimination in violation of Title VII of the Civil Rights Act of 1964, as amended.

WHEREFORE Plaintiff seeks judgment in her favor and against defendant Cozen O'Connor for (a) backpay and benefits; (b) reinstatement and/or front pay and benefits in lieu of reinstatement; (c) statutory compensatory and punitive damages; (d) attorneys' fees and costs;

and (e) such legal and/or equitable relief as allowed by law, in an amount not less than the arbitration limit of \$150,000.00.

Respectfully submitted,



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