

SUPREME COURT OF NEW YORK  
COUNTY OF NEW YORK

JEAN E. DASSIE,

Plaintiff,

vs.

WILMER CUTLER PICKERING HALE AND  
DORR LLP, ANH-KHOA TRAN, and JOHN  
DOE

Defendants

NYSCEF CASE

No.: \_\_\_\_\_

SUMMONS

Plaintiff designates New York County as the  
place of trial. The basis of the venue is  
Plaintiff's address.

To the above-named Defendants:

You are hereby summoned to answer the 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 within twenty (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: October 19, 2023

New York, NY



Jean E. Dassie, Plaintiff *Pro Se*  
75 West Street, Apt 12L  
New York, NY 10006  
Phone: (650) 283-9301

Wilmer Cutler Pickering Hale and Dorr, LLP address:  
2100 Pennsylvania Avenue NW  
Washington, DC 20037

Anh-Khoa Tran address:  
1410 Du Barry Ln  
Houston, TX 77018

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**COMPLAINT:**

**JURY TRIAL DEMANDED**

Plaintiff Jean E. Dassie, *Pro Se*, as and for his verified complaint against Defendants Wilmer Cutler Pickering Hale and Dorr, LLP (“WilmerHale”), Anh-Khoa Tran (“Tran”) and John Doe, alleges as follows:

1. This is an action for compensatory and punitive damages against WilmerHale for race and country of origin discrimination, a hostile work environment, and unlawful retaliation in violation of the New York City Human Rights Law, N.Y.C. Admin. Code §§ 8-101, et seq., and against WilmerHale for defamation, fraudulent misrepresentation, and intentional and negligent infliction of emotional distress; against Anh-Khoa Tran for defamation, tortious interference with contract, and intentional infliction of emotional distress; and against John Doe for defamation, intentional and negligent infliction of emotional distress, and tortious interference with contract.

2. Plaintiff seeks judgment awarding him: (a) compensatory and punitive damages against WilmerHale for defamation, fraudulent misrepresentation, intentional and negligent infliction of emotional distress, and for violations of the New York State and New York City Human Rights Laws; (b) compensatory and punitive damages against Tran for defamation, tortious interference

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with contract, and intentional infliction of emotional distress; (c) compensatory and punitive damages against John Doe for defamation, intentional and negligent infliction of emotional distress, and tortious interference with contract; (d) attorneys' fees, costs and expenses to the fullest extent permitted by law; and (e) such other relief as the Court deems just and proper.

### **Jurisdiction and Venue**

3. This Court has jurisdiction over this matter because a substantial part of the events or omissions giving rise to the claims occurred in this state, and WilmerHale is licensed to and does business in the State of New York.

4. Jurisdiction is proper as to Tran. Tran took tortious actions which were intended to have effects, and indeed did have effects, in New York. Moreover, Plaintiff worked from New York during his tenure at WilmerHale. So, it was foreseeable that any tortious action by the firm or its lawyers against Plaintiff would have effects in New York.

5. Venue is proper in New York County and this Court under C.P.L.R. § 503 because Plaintiff resides in New York County and a substantial part of the events or omissions giving rise to the claims in the lawsuit occurred in New York County.

6. Plaintiff demands a trial by jury.

### **The Parties**

7. Plaintiff Jean E. Dassie is an attorney licensed to practice in the State of New York. He resides in Manhattan County, New York.

8. Upon information and belief, Defendant Wilmer Cutler Pickering Hale and Dorr, LLP is a limited liability partnership with its principal place of business located at 2100 Pennsylvania Avenue NW, Washington DC 20037.

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9. Upon information and belief, Defendant Anh-Khoa Tran is an attorney licensed to practice in the State of Texas. Upon information and belief, he is employed by WilmerHale as a Counsel in the Intellectual Property Litigation department. At all times relevant to this complaint, Tran was a Counsel at WilmerHale.

10. Upon information and belief, Defendant John Doe is an attorney employed by WilmerHale.

### **Background**

11. Trial presentation services offered by litigation support vendors are integral to the success of legal proceedings, as they impact how information is presented to judges and juries, potentially affecting case outcomes (<https://www.litigationervices.com/news/what-are-trial-presentation-services/>). These services encompass the preparation of graphics, exhibits, videos, depositions, and other essential materials for use in the courtroom (*Id.*). These vendors provide valuable support to legal professionals, ensuring that the materials displayed in court are not only visually appealing but meticulously designed to facilitate the seamless transmission of the legal team's message (*Id.*).

12. Attorneys can rely on these vendors to ensure that every element of their courtroom presentation is professional and finely tuned to effectively convey the intended message ([https://www.litigationervices.com/news/what-are-trial-presentation-services](https://www.litigationervices.com/news/what-are-trial-presentation-services/)). In this supportive role, litigation support vendors are dedicated to creating courtroom materials that underscore the strengths and merits of the legal position (*Id.*). They offer strategic guidance, aligning the presentation tools with the legal case strategy, and stand ready in the courtroom to make real-time adjustments to assist attorneys in responding effectively to opposing counsel's arguments and assertions (*Id.*).

13. Ultimately, the dynamic and polished exhibits these vendors produce, including charts, graphs, photographs, timelines, maps, illustrations, videos, or 2D/3D animations, serve as visual  
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aids meticulously designed to ensure that the legal team's message is conveyed clearly and convincingly (<https://www.litigationservices.com/trial/trial-presentation-services-and-technologies/>). Litigation support vendors are thus important allies, instrumental in presenting the attorneys' message as a coherent and compelling narrative to judges and juries while maintaining a high level of professionalism that bolsters the overall courtroom impact (<https://www.litigation-services.com/news/what-are-trial-presentation-services>); (<https://www.litigationservices.com/trial/trial-presentation-services-and-technologies/>).

### **Statement of Facts**

14. According to the WilmerHale website (<https://www.wilmerhale.com>), the IP Litigation department has 68 Counsels and Senior Associates in the United States. Upon information and belief, not one of these Counsels and Senior Associates, other than Plaintiff, is Black or of African origin.

15. Plaintiff is a 33-year-old naturalized American citizen of Cameroonian origin and began working for WilmerHale in December of 2021 as a Senior Associate. He graduated law school in 2016 but joined WilmerHale as a Class of 2017 Senior Associate.

### **Immigration Pro Bono Matter**

16. Around December 2021 and January 2022, Plaintiff was assigned to an immigration pro-bono matter at the firm. Working with Andrea Robinson, a now-retired partner, and with a non-Black 2017 Senior Associate (F2017-1), Plaintiff helped a recent immigrant to the United States obtain legal residence in the United States.

17. During the course of the representation, Plaintiff occasionally sent some documents to the client, copying Robinson and F2017-1. WilmerHale has software that prompts the attorney to clean

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the documents of any tracked changes or other edits before sending the documents outside the firm.

18. In one instance, Plaintiff sent clean documents to the client and sent the same documents with edits to Robinson and F2017-1. Robinson called Plaintiff and, without any proof, told him that he had sent unclean documents to the client. Plaintiff responded that the documents the client received were clean. Robinson then raised her voice and began yelling at Plaintiff. Robinson told Plaintiff that he doesn't have sufficient attention to detail and doesn't have what it takes to make it at WilmerHale. Plaintiff told Robinson that the firm software automatically prompts attorneys to clean documents when sending them outside the firm.

19. This caused Plaintiff emotional distress.

20. Upon information and belief, Robinson never berated F2017-1 in the same manner. Upon information and belief, unlike the relationship between Robinson and Plaintiff, the relationship between Robinson and F2017-1 was collegial and cooperative.

### **Plaintiff Complains of Discriminatory Conduct in the Pharmaceutical Litigation**

21. In or around March 2022, Plaintiff was assigned to a patent infringement matter, representing a pharmaceutical company. Plaintiff was brought on because the team needed help cite checking an extensive expert report that was due shortly.

22. Plaintiff helped the team with the expert report and received subsequent assignments. Plaintiff received positive feedback from the team on the cite checking and the subsequent work.

23. While on the matter, Plaintiff generally worked with a non-Black 2016 Senior Associate (M2016-1) and Timothy Cook, a junior partner.

24. For one assignment, Plaintiff was tasked with researching dosing methodologies to potentially lower the client's damages exposure. During this research, Plaintiff discovered a type

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of dosing that the team had not considered. This type of dosing appeared promising to the team's position. Subsequently, while on a call with the litigation team, including partners, M2016-1 attributed the discovery of the dosing methodology to Tim Cook, and not to Plaintiff.

25. Shortly thereafter, the litigation team then added two new members. One was a Counsel and the other was a non-Black Class of 2017 Senior Associate (F2017-2). These new team members were added in advance of the second round of expert reports.

26. Notwithstanding that Plaintiff had been with the team longer and had gotten positive feedback on his work, Plaintiff was assigned cite checking with the junior associates (the junior associates were class of 2021, 2020, and 2019, respectively) while F2017-2 was assigned with substantive drafting of the expert report.

27. Plaintiff complained of the unfair assigning practice on Friday, May 6, 2022. Plaintiff reassured Cook and M2016-1 that he would do the cite checking work and would get it done on time. Still, Plaintiff noted that he would like substantive work commensurate with his seniority.

28. After the complaint email, Cook set up a call for Monday. On the call, Plaintiff reiterated to him that he would like more substantive work on the matter. Cook responded that no one on the team wanted to give Plaintiff more substantive work.

29. Cook then told Plaintiff that the partners on the team had collectively decided to remove Plaintiff from the team. Plaintiff told Cook of the incident where M2016-1 misattributed the dosage research findings on the team call. Cook thanked Plaintiff for his contributions to the team and reiterated that he would be removed.

30. When Plaintiff asked for the reason for the removal, Cook responded that the complaint was the cause.

31. This caused Plaintiff emotional distress.

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32. After the removal, Plaintiff spoke with Mary Katherine Duggan, the IP practice group manager. Plaintiff told Duggan of the unfair assignment practice where he was assigned cite checking with the junior associates while F2017-2 was assigned more substantive drafting. Plaintiff also told Duggan of the substance of his phone call with Cook.

33. Plaintiff also spoke with David Bassett, the senior partner on the pharmaceutical litigation team. Plaintiff also told him of the unfair assignment practice where he was assigned cite checking with the junior associates and F2017-2 was assigned more substantive drafting. Bassett responded that he thought Plaintiff was also a junior associate. Plaintiff explained that he and F2017-2 are of the same seniority.

#### **Telecommunications District Court and ITC Litigations**

34. After being removed from the pharmaceutical litigation matter for complaining about discriminatory treatment, Plaintiff decided to focus on the other cases he was assigned to: a telecommunications district court litigation and a telecommunications International Trade Commission (ITC) litigation. Plaintiff began working on these matters in or around January 2022.

35. While on the cases, Plaintiff generally worked closely with partners Timothy Syrett, Brittany Amadi, Joseph Mueller, and Mark Selwyn. As the team started preparing for district court trial, Plaintiff began working more closely with Tran.

36. On the telecommunications litigation matters, Plaintiff was consistently assigned significant responsibilities and frequently received positive feedback from the partners on the matter.

37. A non-Black 2016 Senior Associate on the matter (F2016-1), was consistently assigned less substantive work than Plaintiff. Indeed, on multiple occasions, Plaintiff was assigned

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supervisory capacity over some of her work. For example, when putting together the trial exhibit list, Plaintiff worked closely with F2016-1 and generally had supervisory capacity over her work for the assignment. F2016-1 would be promoted to Counsel at the end of 2022.

38. A non-Black 2017 Senior Associate on the matter (M2017-1) was consistently assigned less substantive work than Plaintiff. Plaintiff was also assigned supervisory capacity over some of his work. For example, in putting together the omnibus offensive deposition outline, Plaintiff worked closely with M2017-1 and generally had supervisory capacity over his work for the assignment.

39. Upon information and belief, M2017-1 was permitted to transition off the telecommunications trial team just before trial and to remain in good standing with the firm.

40. Upon information and belief, M2017-1 is in good standing with the firm and will be promoted to Counsel at the end of 2023.

41. In or around November 2022, about a month before the district court trial, Plaintiff had a strategy disagreement with a non-Black 2016 Senior Associate (F2016-2) on the team. The disagreement concerned the trial exhibit list.

42. Because Plaintiff had taken charge with understanding the relevant licenses, preparing the offensive deposition outline, and curating the trial exhibit list, Plaintiff knew the facts of the case better than anyone else on the team.

43. Notwithstanding, Plaintiff was immediately taken off the team meetings for the exhibit list.

44. Upon information and belief, Plaintiff was removed to pacify F2016-2.

45. At the same time, Plaintiff was tasked with helping the appellate team get up to speed with the case. Plaintiff had to help the appellate team get up to speed without knowing the updated status of the trial exhibit list.

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46. Nowwithstanding, Plaintiff completed the assignment and received positive feedback from the appellate team. Plaintiff achieved this by scouring the team's communications with opposing counsel and piecing together changes to the exhibit list.

47. Subsequently at the pre-trial conference, the team adopted Plaintiff's strategy over F2016-2's, and it benefited the client. The team thus removed Plaintiff from the exhibit list meetings after the disagreement with F2016-2, and subsequently adopted Plaintiff's recommendation.

48. Plaintiff held the meritorious position, but was nonetheless reprimanded.

49. This caused Plaintiff emotional distress.

50. This was a breaking point for Plaintiff, and the work environment was starting to affect his mental health. Plaintiff shortly thereafter decided to take a vacation the week following trial.

51. This would be Plaintiff's first vacation at WilmerHale, and would occur about a year after Plaintiff began working at WilmerHale.

52. Adhering to Plaintiff's commitment to the client, Plaintiff even promised to work part-time during the vacation.

53. Other team members had freely taken vacation time.

54. After Plaintiff let the team know he would be taking a vacation, the team's demeanor towards Plaintiff changed. Plaintiff was socially ostracized by the partners on the team.

55. No one on the team had been treated similarly after taking a vacation or leave from the team.

56. Notably, M2017-1 would transition off the team just before trial. Upon information and belief, the transition did not have a negative impact on his career at the firm.

57. Plaintiff still received outsized responsibilities and continued producing good work for the telecommunications team.

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58. The district court trial was set for December 2022. The partners continued to give Plaintiff the silent treatment leading up to trial. The partners were noticeably warm with other associates and curt with Plaintiff.

59. This caused Plaintiff emotional distress.

60. Indeed, upon information and belief, Sarah Petty, a partner charged with administratively coordinating and managing the trial team, had sent an email to a subset of the litigation team, giving out her phone number in case of emergency or for any questions.

61. Plaintiff was not included in that email.

62. Upon information and belief, no other Senior Associate on the trial team was excluded from the email.

63. Notwithstanding, Plaintiff continued producing good work.

64. Every non-partner on the team was promised to go to the courthouse during trial.

65. Generally, team members that did work related to a particular witness got to go to court to watch that witness. The night before the court date, Petty would send an email to the client and the rest of the team, notifying the group of who will be attending court on the following day.

66. Plaintiff was the primary associate with the cross-examination outline of the other side's key fact witness and with prepping one of our key experts.

67. Notwithstanding, Plaintiff was not asked to go to court on either occasion when Petty sent the email to the litigation team and the client.

68. Tran, who also worked with the expert, was asked to go to court twice.

69. Other Senior Associates on the team had gone to court at least once.

70. Plaintiff was the key associate for preparing the cross-examination outline of the other side's key fact witness. Plaintiff was not offered to go watch the fact witness in court.

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71. Plaintiff was the key associate for preparing a key expert for trial. Plaintiff was not offered to go watch the expert witness in court.

72. The blatant disparate treatment caused Plaintiff emotional distress.

73. Plaintiff mentioned the disparate treatment to Petty and Syrett. Petty subsequently decided to give Plaintiff the same opportunity other Senior Associates got. However, Plaintiff was only allowed to go to court for a couple of hours while others went for the entire day.

74. In another instance, Syrett and Plaintiff were working together to prepare an expert for cross-examination at trial. Plaintiff suggested a line of questioning for preparation of the witness. The witness noted that she was nervous about Plaintiff's suggested line of questioning. Syrett retorted that the cross-examination line of questioning Plaintiff suggested would never be brought up in trial because it was "stupid."

75. This caused Plaintiff emotional distress.

76. The charged rhetoric was out of character for Syrett, but the partnership created an atmosphere where it was acceptable for firm lawyers to act out of character against Plaintiff.

### **Harassment by Tran**

77. While at trial, Plaintiff was harassed on multiple occasions by Tran. Tran did not have the same demeanor in his interactions with other associates.

78. Plaintiff was demeaned, in part, due to his country of origin.

79. In a conversation with Tran about the judicial system, Train said Plaintiff viewpoint on the subject was due to "colonialism" in response to a comment by Plaintiff unrelated to colonialism.

80. In another instance, Tran demeaned Plaintiff in front of other associates. Plaintiff did not rent car at the trial location. After a day of working together, Plaintiff asked Tran for a ride back to the hotel. There was a 2016 and a 2018 Senior Associate nearby.

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81. To humiliate Plaintiff, Train raised his voice and began speaking to the other associates, telling them that Plaintiff should walk to whomever he wants a ride from. Tran then started laughing. Tran openly treated Plaintiff as less than, asking Plaintiff to subordinate himself to the other team members.

82. This caused Plaintiff emotional distress.

83. In another instance, Tran made false reports to the firm against Plaintiff.

84. Timothy Syrett, Joseph Mueller, Tran and Plaintiff worked together to prepare the negotiations expert for trial. After a prep session, Syrett, Tran, the expert, and Plaintiff worked on the PowerPoint slides while still in the prep room. On the team, Plaintiff was generally in charge of revising the PowerPoint slides and implementing edits from the rest of the team.

85. There were many suggestions given in the session for revising the slides.

86. For the edits that could immediately be implemented, Plaintiff implemented the edits in the room.

87. Doing so allowed the team to give immediate feedback about the changes to the slides.

88. For the suggestions that could not be immediately implemented, Plaintiff made a note in the slides for the litigation-support vendor to implement.

89. Syrett participated in the meeting. Syrett suggested multiple edits for the slides. Some of Syrett's edits were implemented immediately, and others were noted for the litigation-support vendor to implement.

90. Overall, there were dozens of edits suggested in the meeting, some of which were implemented directly, and others that were noted for the litigation-support vendor.

91. In that meeting, Tran suggested a substantive change about the PowerPoint slides. Tran's suggestion was easy to implement, so Plaintiff implemented the edit in the meeting.

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92. Tran did not object when Plaintiff implemented his edit in the meeting.

93. Syrett did not object when Plaintiff implemented Tran’s edit in the meeting.

94. Neither Tran nor Syrett objected when Plaintiff implemented the other dozens of edits in the meeting.

95. After the meeting, Plaintiff sent the slides to the third-party vendor.

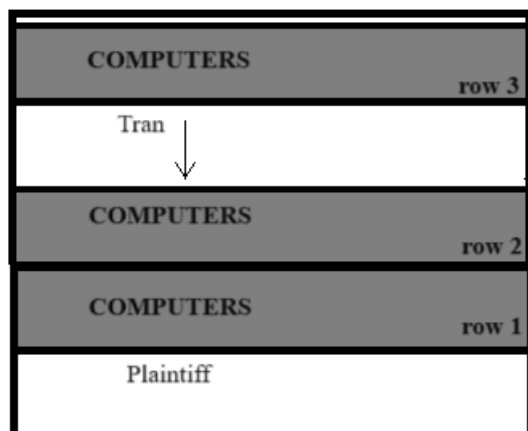
96. Plaintiff sent the slides to the litigation-support vendor to harmonize and beautify the slides, to implement the edits that had not been addressed, and so the vendor could maintain version control of the master slide deck to be used at trial.

97. When the vendor returned the slides, Tran’s suggestion had been reverted. Correcting this would take less than 5 seconds.

98. Upon information and belief, there were no issues with the dozens of other edits implemented by Plaintiff.

99. In the War Room, Plaintiff’s and Tran’s computer setups were separated by a row of computers, i.e., Plaintiff was in row 1 and Tran was in row 3.

100. Around December 6, when Plaintiff and Tran were in the War Room, among other lawyers on the team, Tran walked up to row 2, across from Plaintiff.



101. Tran told Plaintiff that it is best practices to submit the slides to the litigation-support vendor instead of implementing edits to the deck, and ordered Plaintiff to always go through the litigation-support vendor with edits in the future.

102. Plaintiff asked if there were any issues in the slides. Tran replied that his suggestion had been reverted and that he had to take care of it.

103. Because Tran was asking Plaintiff to take a course of action in the future, Plaintiff responded that he would take Tran's command into consideration going forward.

104. Tran insisted and repeated that Plaintiff should always go through the litigation vendor when implementing edits to a slide deck. Plaintiff repeated that he would take the command into consideration going forward.

105. This means that if faced with the same situation in the future, Plaintiff would consider Tran's command, among other factors. For example, if there is a tight deadline and there are many edits to implement, there may not be enough time to get the slide deck to the litigation-support vendor to implement in the first instance. Moreover, if the suggested edit has a technical or substantive nature to it, it may not make sense to send the edit to the litigation-support staff, who do not have the necessary technical expertise or knowledge about the facts.

106. Plaintiff responded that he would take the command under consideration because there are many instances where it would not be prudent to implement edits through the litigation support vendor in the first instance. There are some instances where it would be prudent to have the litigation-support vendor implement edits in the first instance. But to ask an attorney to always go through the litigation-support vendor to implement edits is a nonsensical request on its face.

107. While at WilmerHale, Plaintiff worked on multiple slide decks with partners Timothy Syrett, Mark Selwyn, Joseph Mueller, and Brittany Amadi, and with Tran. Each of these

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attorneys, including Tran, has endorsed having the attorneys implement certain edits to the slide deck before sending the deck to the litigation-support vendor for beautification or harmonization.

108. Plaintiff worked on multiple slide decks with Syrett. On multiple occasions, Syrett sent edits for Plaintiff to implement directly into the PowerPoint slides.

109. Moreover, Syrett endorsed on many occasions, including the incident at issue, the practice of attorneys implementing some edits to the slide deck in the first instance. Indeed, when Plaintiff implemented dozens of edits in the meeting with the expert, Syrett did not object once.

110. Plaintiff worked on multiple slide decks with Amadi. On multiple occasions, Amadi sent edits for Plaintiff to implement directly into the PowerPoint slides.

111. Moreover, Amadi endorsed on many occasions the practice of attorneys implementing some edits to the slide deck in the first instance.

112. Plaintiff worked on multiple slide decks with Selwyn. On multiple occasions, Selwyn sent edits for Plaintiff to implement directly into the PowerPoint slides.

113. Moreover, Selwyn endorsed on many occasions the practice of attorneys implementing some edits to the slide deck in the first instance.

114. Plaintiff worked on multiple slide decks with Mueller. On multiple occasions, Mueller sent edits for Plaintiff to implement directly into the PowerPoint slides.

115. Moreover, Mueller endorsed on many occasions the practice of attorneys implementing some edits to the slide deck in the first instance.

116. Plaintiff worked on at least one PowerPoint presentation with Tran. Tran endorsed on many occasions, including the incident at issue, the practice of attorneys implementing some edits to the slide deck in the first instance. Indeed, when Plaintiff implemented dozens of edits in the meeting with the expert, Tran did not object once.

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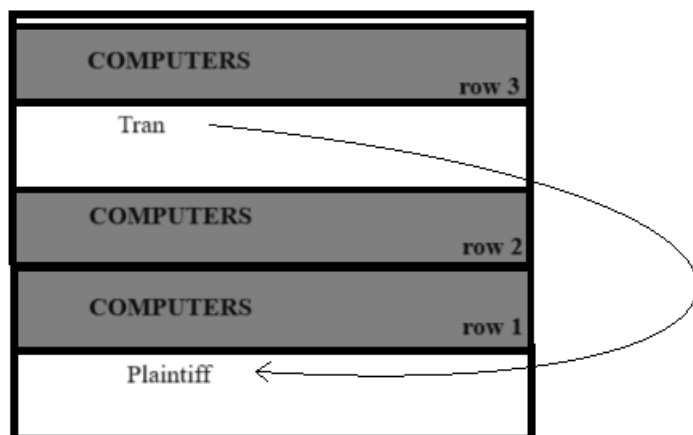
117. It is not controversial that attorneys implement certain edits to PowerPoint slides before sending the deck to the litigation-support vendor. To ask an attorney to always send edits to the vendor to implement is a nonsensical request.

118. If an attorney had to always send edits to the litigation vendor to implement, no slide deck would ever get done. And it would take multiple rounds of back and forth to implement the simplest edits. This is because litigation-support vendors do not have the same technical and substantive knowledge of the case and subject matter as the attorneys.

119. Tran was asking Plaintiff, at all times going forward, to subordinate his judgement below that of the litigation-support vendors.

120. After going back and forth a few times, Tran went back to his seat.

121. Tran then got up, walked around to where Plaintiff was sitting and stood over Plaintiff.



122. Tran insisted that Plaintiff follow his command because he is a Counsel and Plaintiff is a subordinate. Again, Plaintiff responded that he would take the command under consideration going forward.

123. Tran persisted.

124. Eventually, Tran was standing over Plaintiff, publicly chastising Plaintiff in the middle of a crowded room.

125. Plaintiff tried to reason with Tran. Plaintiff told Tran that it took seconds to correct the error in the slides, and that Plaintiff would take Tran's command into consideration going forward.

126. Tran was getting increasingly angry. His lower lip was quivering. To avoid the continuing optics of being publicly reprimanded in the middle of the crowded room, and to deescalate the situation and get Tran to walk away, Plaintiff retorted "too bad, so sad" after Tran made his command.

127. Tran immediately walked away and went outside.

128. Reasoning with Tran would not have worked, given that he was ordering Plaintiff to do something irrational. So, Plaintiff had to creatively diffuse the situation.

129. Plaintiff immediately sent Tran a message noting that his response was flippant, but that Tran was making a public spectacle out of a minor mistake that was caught and fixed.

130. Tran came back to the War Room and motioned for Plaintiff to meet him outside. He proceeded to scream at Plaintiff that he is a Counsel and that if he wants something done one way, that's how it should be done. Again, Plaintiff told him that he would take Tran's command under consideration going forward.

131. Plaintiff further explained that the team was in the middle of trial and tight deadlines sometimes may not allow for edits to be implemented by the litigation-support vendor in the first instance.

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132. Tran told Plaintiff he was going to report him to the firm. Eventually, Tran realized that his command was nonsensical, so he told Plaintiff that he doesn't want Plaintiff to act like a robot and that Plaintiff can use his judgment.

133. This belated realization did not prevent Tran from making false reports to the firm about Plaintiff.

### **2022 Year-End Evaluation**

134. Plaintiff accumulated 2085.6 bonus-eligible hours in 2022 and received a full bonus.

135. In Plaintiff's 2022 year-end evaluation, which covered the period from April 1 to September 15, 2022, "[e]valuators praised [Plaintiff] for his enthusiasm, creativity, confidence to offer diverging opinions, and mastery of the facts." The firm further found that Plaintiff "generally has the substantive legal skills expected of a senior associate."

136. Brittany Amadi, a partner in the group, said that Plaintiff "did a nice job working with the team to prepare and maintain a key documents and key testimony list that has been very useful in preparing expert reports and developing our case strategy as we head into trial." She continued that Plaintiff "also has a strong command of the key facts and issues in the case."

137. David Bassett, a partner in the group, said that "[m]emos and oral presentations that [he] received from [Plaintiff] were very good and well researched." He continued that "[o]verall, [Plaintiff's] work is very good."

138. Tim Cook, a partner in the group, said that "[t]o be sure [Plaintiff] appears to have the legal skills that the firm expects from a senior associate." He continued that Plaintiff "prepared a good email memo" related to [redacted].

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139. Mark Selwyn, a partner in the group and the co-chair of the department, said that Plaintiff “displays a degree of creativity and proactiveness that is rare for a senior associate.” He continued that Plaintiff is “continually offering new ideas, and his command of the record and the facts are exemplary,” and that “his views consistently add value.” He further added that “[he] think[s] [Plaintiff] will have considerable potential” if he addresses certain “matter management” issues.

140. Timothy Syrett, a partner in the group, added that Plaintiff’s “mastery of the facts was quite valuable.”

141. Specifically, the reviews broke down as follows:

Reviewer	Oral Communication	Writing	Matter Management	Team-work	Relationship Building	Confidence	Problem Solving	Commitment
Mark Selwyn	4	4	4	4	4	5	5	5
David Bassett	4	4	4	3	--	4	4	4
Tim Syrett	5	3	4	4	5	4	3	4
Brittany Amadi	4	4	4	4	4	5	4	4
Tim Cook	4	4	--	2	3	4	--	2
<b>AVERAGE</b>	<b>4.2/5</b>	<b>3.8/5</b>	<b>4/5</b>	<b>3.4/5</b>	<b>4/5</b>	<b>4.4/5</b>	<b>4/5</b>	<b>3.8/5</b>

142. According to the WilmerHale criteria, 1 is the lowest rating and 5 is the highest rating. Assuming 3/5 is average, Plaintiff performed above average in 8 out of 8 categories, and significantly above average in 7 out of 8 categories.

143. Notwithstanding the positive reviews above and the full bonus received for the year, Plaintiff was placed on an interim review plan due to his complaint of discrimination on the pharmaceutical litigation matter and the incident with Tran in Texas.

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144. Regarding Plaintiff's complaint on the discriminatory assignment practice in the pharmaceutical litigation where Plaintiff was assigned cite checking with the junior associates and F2017-2 was assigned substantive drafting, the firm noted that "[Plaintiff] has occasionally shown inappropriate resistance to accepting new assignments and following appropriate workflow."

145. Specifically, Tim Cook noted that the pharmaceutical team expected Plaintiff to remain on the team, but only for cite-checking and other junior associate tasks.

146. Upon information and belief, non-Black associates would not be treated the same. Plaintiff produced good work and received positive feedback, but in the eyes of the partners, his role on the team was solely for cite-checking and other junior associate tasks.

147. Cook further noted that it was inappropriate for Plaintiff, when assigned to cite check with junior associates, to complain to the senior associate coordinating the expert report review that "the ask is appropriate for a first year associate."

148. Regarding the incident with Tran, WilmerHale did not solicit Plaintiff's side of the story before making its determination.

149. Thus, Tran commanded Plaintiff to do something irrational, then yelled at Plaintiff for saying he would take his commands under consideration going forward, and reported Plaintiff.

150. After the fact, WilmerHale went to Tran to get his side of the story, and became aware that Tran yelled at Plaintiff.

151. WilmerHale did not find Plaintiff's side of the story significant, and reprimanded Plaintiff without soliciting his side of the story.

152. Upon information and belief, non-Black associates in the IP Litigation group at the firm would not be treated the same.

COMPLAINT: JURY TRIAL DEMANDED - 20

153. Blinded by its prejudice, WilmerHale accepted Tran's version of events uncritically and published the falsehoods in Plaintiff's year-end evaluation.

154. Upon information and belief, Tran and John Doe contributed to the false statements in Plaintiff's 2022 year-end evaluation.

155. Upon information and belief, Tran submitted his false statements after Plaintiff had returned back to New York.

156. It was foreseeable that Tran and John Doe's actions would cause Plaintiff harm in New York.

157. Specifically, the firm stated in Plaintiff's 2022 year-end evaluation that Plaintiff "refused instructions from a supervising attorney when directed to leverage a third-party vendor to maintain version control of a master slide deck to be used at trial."

158. The firm further stated that "[a]lthough the supervising attorney explained the importance of this best practice, [Plaintiff] did not seem to agree with the recommended approach, and he continued not to follow the instruction, which led to an altercation that is inconsistent with WilmerHale culture and values."

159. This caused Plaintiff emotional distress.

160. The 2022 year-end evaluation laid out the terms for the interim review. The terms were clear:

[Plaintiff] needs to show greater commitment to his teams, improved understanding of workflow structure, better judgement when pushing back against direction from supervising attorneys, and a willingness to stretch to offer assistance during busy periods. [Plaintiff] is expected to promptly address these concerns and to show significant and sustained improvement over the next three months, at which time he will be provided with a mid-cycle evaluation. If [Plaintiff] has not demonstrated sufficient improvement at that time, he may be asked to leave the firm.

COMPLAINT: JURY TRIAL DEMANDED - 21

161. Mark Selwyn conducted Plaintiff's 2022 year-end evaluation. He reassured Plaintiff that Plaintiff's substantive legal skills were not at issue. Selwyn emphasized that Plaintiff needs to work on his "soft" skills.

### **The Aftermath**

162. Upon information and belief, Tran and John Doe each contributed to the defamatory statements made about Plaintiff in his 2022 year-end evaluation.

163. After Plaintiff returned to New York following trial, the effects were palpable.

164. Other IP partners in New York would not greet or talk to Plaintiff at office-wide group events.

165. Plaintiff attended a group-wide happy hour and a few group-wide lunches. Consistently at the gatherings, the intellectual property partners would generally not greet or talk to Plaintiff.

166. Some partners would avert their gaze when seeing Plaintiff in the halls at the firm office.

167. This caused Plaintiff emotional distress.

### **September to December 2022**

168. The 2022 year-end review covered the period between April 1 and September 15, 2022.

169. Traditionally, the 2023 mid-year review would cover the period from mid-September 2022 through March 2023.

170. The firm, however, implemented the interim review to cover February, March, and April, 2023.

COMPLAINT: JURY TRIAL DEMANDED - 22

171. Between September 16, 2022, and December 10, 2022, Plaintiff accumulated 776.4 bonus-eligible hours. Plaintiff billed that many hours in 12 weeks for an average of 64.7 hours per week.

172. During that time, Plaintiff helped prepare the telecommunications case for trial and worked with experts in the ITC case.

173. None of that billed time has been accounted for in Plaintiff's reviews at WilmerHale.

174. This is deliberate by the firm to minimize Plaintiff's substantive contributions and facilitate the termination of Plaintiff.

175. In his time at WilmerHale, Plaintiff accumulated 2545.2 total hours that were bonus eligible.

176. 776.4 hours accumulated by Plaintiff, or thirty percent of Plaintiff's total hours at WilmerHale, is unaccounted for in Plaintiff's firm reviews.

177. The work Plaintiff performed in those 12 weeks, which would have traditionally been considered in Plaintiff's 2023 mid-year review, shows that Plaintiff has the substantive legal abilities expected of 2017 Senior Associate at WilmerHale.

178. Plaintiff generally worked on a telecommunications matter in the district court and a telecommunications matter in the ITC during the period. In those 12 weeks, Plaintiff drafted sections of the expert reports for the negotiations expert and the damages expert in the district court case; Plaintiff managed a team of 2 other associates in creating the trial proof plan for the district court case; Plaintiff led the efforts and drafted mock trial slides for the client's district court damages case; Plaintiff helped draft the client's mediation statement; Plaintiff led the efforts for drafting the deposition prep outline for the negotiations expert and for the damages expert; Plaintiff

COMPLAINT: JURY TRIAL DEMANDED - 23



second chaired the deposition of the negotiations expert and the damages expert; Plaintiff led the efforts in drafting the Daubert motion for the other side's damages expert; Plaintiff led the efforts in putting together the trial exhibit list, managing a team of around 10 associates and Counsels; Plaintiff led the efforts in responding to the other side's Daubert against our negotiations expert; Plaintiff led the efforts in drafting the ITC witness statement for the ITC damages expert; Plaintiff led the efforts on the PowerPoint slides for the ITC damages expert witness statement; Plaintiff led the efforts on the direct examination outline for the negotiations expert; Plaintiff helped prepare the negotiations expert for direct and cross examination; Plaintiff led the efforts in drafting the ITC rebuttal statement for the ITC damages expert; Plaintiff led the efforts on the PowerPoint slides for the ITC damages expert rebuttal statement; Plaintiff worked on the PowerPoint slides for the Daubert motion on the other side's damages expert; Plaintiff led the efforts for the PowerPoint slides for our negotiations expert's direct examination at trial; and Plaintiff led the efforts in drafting the cross examination outline for the other side's key fact witness.

### **Plaintiff Complains of Discriminatory Conduct by Tran**

179. After Plaintiff's 2022 year-end evaluation, Plaintiff sent an email to the firm to make an internal complaint against Tran.

180. Specifically, Plaintiff complained that "[Tran] was unprofessional when he stood over [Plaintiff] and publicly reprimanded [him] for an extend[ed] period of time in the middle of the War Room for not yielding to his commands as counsel."

181. Plaintiff further complained that "[Tran] was very unprofessional when he screamed at [Plaintiff] outside the War Room for not yielding to his commands as counsel."

COMPLAINT: JURY TRIAL DEMANDED - 24

182. Plaintiff further “complain[ed] for [Tran’s] misstatements of the facts in his version of events, which appears to have formed a primary basis for putting [Plaintiff] on a performance improvement plan.”

183. Lastly, Plaintiff complained that Tran’s actions were “part of a pattern of micro and macro aggressions by [Tran] against [Plaintiff].” Plaintiff noted that Tran has “tried to belittle [Plaintiff] on multiple occasions in front of other WilmerHale lawyers,” noting the colonialism incident and the incident with the ride back to the hotel.

184. After an investigation, the firm did not dispute Plaintiff’s version of events during the telecommunications trial. Instead, WilmerHale, through HR personnel, told Plaintiff that “we are on the same team.”

185. This caused Plaintiff emotional distress.

186. The firm’s response was to protect Tran’s conduct.

187. In a good faith effort to mend the relationship with the firm, Plaintiff did not object to the firm findings and conclusions, and Plaintiff continued to do good work during the interim period.

### **Termination**

188. Plaintiff received his 2023 mid-year evaluation on July 20, 2023.

189. There were no behavior or matter management issues during the term of the interim period.

190. So, the firm pivoted.

191. Specifically, the reviews broke down as follows:

Reviewer	Oral Communication	Writing	Matter Management	Team-work	Relationship Building	Confidence	Problem Solving	Commitment
James Dowd	4	3	4	4	4	4	4	5
Joseph Haag	5	4	4	4	--	4	3	--
Joshua Stern	--	4	4	4	4	4	4	4
Derek Gosma	4	3	5	3	3	5	4	4
Stephanie Lin	4	3	--	--	--	4	3	3
<b>AVERAGE</b>	<b>4.3/5</b>	<b>3.4/5</b>	<b>4.3/5</b>	<b>3.8/5</b>	<b>3.7/5</b>	<b>4.2/5</b>	<b>3.6/5</b>	<b>4/5</b>

192. According to the WilmerHale criteria, 1 is the lowest rating and 5 is the highest rating. Assuming 3/5 is average, Plaintiff performed above average in 8 out of 8 categories, and significantly above average in 7 out of 8 categories.

193. Upon information and belief, WilmerHale would promote a non-Black Senior Associate receiving the marks Plaintiff received in his 2022 year-end evaluation and his 2023 mid-year evaluation.

194. As a pretext to terminate Plaintiff's employment, the firm stated that "[Plaintiff's] work product did not consistently demonstrate that he understood the scope and context of his assignments." The evaluation continued that "[Plaintiff's] written work product too often lacked the appropriate level of analytical rigor and attention to detail." The evaluation continued that "[Plaintiff] has not shown the ability to take full ownership of his workstreams and to think strategically beyond the task at hand, anticipate what comes next, and plan accordingly." The firm concluded that "[Plaintiff] has not shown the ability to perform at a level commensurate with his

COMPLAINT: JURY TRIAL DEMANDED - 26

seniority.” “Due to these performance concerns,” the firm further concluded that “[Plaintiff] is not on track to meet the firm’s criteria for elevation to Counsel at year-end.”

195. Plaintiff received this feedback, notwithstanding that the team obtained a very good result for the client, and that the individual evaluations suggest that Plaintiff performed above average.

196. This caused Plaintiff emotional distress.

197. Indeed, James Dowd, the senior partner on the case Plaintiff worked on during the interim period, provided a glowing review:

During this period, [Plaintiff] and I worked together on the [redacted] case where [Plaintiff] took on significant responsibility for a number of tasks including discovery, motion practice, license analysis, and the development of substantive defenses. [Plaintiff] made positive contributions to our team in each of these roles, both through written work products and during our team meetings. As an example, [Plaintiff] quickly analyzed a large volume of patent licenses that were produced in the case, helped to identify meaningful license defenses based on this analysis, and followed up with useful draft third party discovery to pursue evidence in support of this defense. [Plaintiff] also helped to support our ‘defensive’ discovery, taking on significant drafting responsibilities for our responses to plaintiff’s interrogatories and document requests. [Plaintiff] also did a nice job helping to analyze a thorny legal issue raised by plaintiff under [redacted] involving shifting burdens of proof.

#### **Favorable Client Outcomes**

198. Plaintiff generally obtained very favorable client outcomes on the matters he worked on.

199. After trial in the telecommunications matter, the managing-partner elect of the firm sent the following message to the trial team:

I wanted to take a moment to congratulate you on the tremendous achievement of the [] resolution, which was the direct result of months and months of work and meticulous strategic planning. We are all extremely proud of you for how you represented the firm throughout these matters – with integrity, teamwork, and excellent lawyering. This is an outstanding outcome, one that the client is justifiably thrilled about.

COMPLAINT: JURY TRIAL DEMANDED - 27

Congrats again on this superb accomplishment. I hope you all savor this.

200. For the matter Plaintiff worked on during the interim period, the litigation team reached a very favorable outcome. Joseph Haag, a partner on the team, sent the following message to the litigation team on behalf of the partners (parenthesis in original):

The client is very happy with the result and asked us to thank the team. (Thanks from us as well!)

201. Those are the two billable matters Plaintiff worked on to conclusion at WilmerHale.

202. After being terminated, Plaintiff filed a charge with the EEOC alleging unlawful discrimination based on race and country of origin, and retaliation.

203. The EEOC forwarded Plaintiff's charge to the New York State Division of Human Rights.

204. The New York State Division of Human Rights is currently investigating Plaintiff's allegations and whether WilmerHale's actions complied with New York State human rights laws.

#### **FIRST CAUSE OF ACTION AGAINST WILMERHALE FOR DEFAMATION**

205. Plaintiff repeats and realleges each and every allegation set forth above as if fully restated herein.

206. WilmerHale made a false statement about Plaintiff in Plaintiff's 2022 year-end evaluation.

207. Specifically, the firm stated that Plaintiff "refused instructions from a supervising attorney when directed to leverage a third-party vendor to maintain version control of a master slide deck to be used at trial."

208. This is false.  
COMPLAINT: JURY TRIAL DEMANDED - 28

209. Plaintiff was never instructed to leverage a third-party vendor to maintain version control of a master slide deck to be used at trial. Rather, Plaintiff was instructed to always go through a third-party vendor to implement edits to a slide deck.

210. Plaintiff never refused to leverage a third-party vendor to maintain version control of a master slide deck to be used at trial. Indeed, after the meeting with Syrett, Tran, and the expert where certain edits were implemented into the presentation, Plaintiff submitted the slide deck to the third-party vendor so the vendor could maintain version control of the master slide deck to be used at trial.

211. Plaintiff never refused instructions from a supervising attorney. Rather, because Tran was ordering Plaintiff to take a course of action in the future, Plaintiff responded that he would take the command under consideration going forward.

212. Under the Merriam-Webster Dictionary, “consideration” is defined as 1. “continuous and careful thought;” 2. “a matter weighed or taken into account when formulating an opinion or plan;” 3. “a taking into account;” 4. “thoughtful and sympathetic regard;” and 5. “an opinion obtained by reflection.” (<https://www.merriam-webster.com/dictionary/consideration>). Taking instructions under consideration going forward does not constitute refusing instructions.

213. The firm further stated that “[a]lthough the supervising attorney explained the importance of this best practice, [Plaintiff] did not seem to agree with the recommended approach, and he continued not to follow the instruction, which led to an altercation that is inconsistent with WilmerHale culture and values.”

214. This is false. Plaintiff was never instructed to leverage a third-party vendor to maintain version control of a master slide deck to be used at trial. Rather, Plaintiff was instructed to always go through a third-party vendor to implement edits to a slide deck.

COMPLAINT: JURY TRIAL DEMANDED - 29

215. Plaintiff never refused to leverage a third-party vendor to maintain version control of a master slide deck to be used at trial. Indeed, after the meeting with Syrett, Tran, and the expert where certain edits were implemented into the presentation, Plaintiff submitted the slide deck to the third-party vendor so the vendor could maintain version control of the master slide deck to be used at trial.

216. Plaintiff did not disagree with a “best practice.” Plaintiff disagreed with the command that he should always implement edits through the litigation-support vendor. This is not a best practice.

217. Moreover, Tran was ordering Plaintiff to take a course of action in the future, so it is not true that Plaintiff “continued not to follow the instructions.” Although Plaintiff disagreed with Tran’s command, Plaintiff’s nonetheless told Tran that he would take his command under consideration going forward. Taking instructions under consideration going forward does not constitute refusing instructions.

218. An objective reading of WilmerHale’s statement suggests that Plaintiff was a perpetrator in the altercation, which is inconsistent with WilmerHale culture and values. This is false. Plaintiff was commanded to do something nonsensical. Instead of refusing instructions, Plaintiff responded many times that he would take the command under consideration going forward. Tran was not satisfied. So, he brought Plaintiff outside to scream at him, then threatened to report Plaintiff, then actually reported Plaintiff.

219. Plaintiff was the victim, not a perpetrator, of the altercation.

220. WilmerHale published the defamatory statements in Plaintiff’s 2022 year-end evaluation.

COMPLAINT: JURY TRIAL DEMANDED - 30

221. Upon information and belief, the defamatory statements were shown to multiple people at WilmerHale.

222. WilmerHale was negligent when making the statement. Indeed, WilmerHale did not solicit Plaintiff's side of the story before publishing the false statements.

223. WilmerHale's statements caused special harm. Plaintiff lost his employment at the firm due in part to the false statements.

224. WilmerHale's statements constitute defamation per se. The statements tend to injure plaintiff in his profession as a lawyer because the statements suggest that Plaintiff disagreed with a best practice and that Plaintiff was a perpetrator in an altercation.

225. WilmerHale made a false statement about Plaintiff in Plaintiff's 2023 mid-year interim evaluation.

226. Specifically, the firm stated that "[Plaintiff's] work product did not consistently demonstrate that he understood the scope and context of his assignments. His written work product too often lacked the appropriate level of analytical rigor and attention to detail. Additionally, [Plaintiff] has not shown the ability to take full ownership of his workstreams and to think strategically beyond the task at hand, anticipate what comes next, and plan accordingly." The firm concluded that "[Plaintiff] has not shown the ability to perform at a level commensurate with his seniority. Due to these performance concerns, [Plaintiff] is not on track to meet the firm's criteria for elevation to Counsel at year-end."

227. This statement is demonstrably false based on the individual evaluations Plaintiff received at WilmerHale, the positive feedback Plaintiff received from supervisors at WilmerHale, the client results Plaintiff contributed to at WilmerHale, and the volume of high impact work Plaintiff performed between September 2022 and May 2023.

COMPLAINT: JURY TRIAL DEMANDED - 31



228. WilmerHale published the defamatory statements in Plaintiff's 2023 mid-year interim evaluation.

229. Upon information and belief, the defamatory statements were shown to multiple people at WilmerHale.

230. WilmerHale was negligent when making the statement. Indeed, WilmerHale's statement is contradicted by the individual evaluations in Plaintiff's 2023 mid-year interim review and by the individual evaluations in Plaintiff's 2022 year-end review.

231. WilmerHale's statements caused special harm. Plaintiff lost his employment at the firm due in part to the false statements.

232. WilmerHale's statements constitute defamation per se. The statements tend to injure plaintiff in his profession as a lawyer because the statements suggest that Plaintiff does not have the substantive abilities required of a lawyer of his seniority.

233. This cause of action is timely.

**SECOND CAUSE OF ACTION AGAINST ANH-KHOA TRAN  
FOR DEFAMATION**

234. Plaintiff repeats and realleges each and every allegation set forth above as if fully restated herein.

235. Upon information and belief, Tran submitted a defamatory statement to WilmerHale about Plaintiff, which formed the basis for certain statements in Plaintiff's 2022 year-end evaluation.

236. Specifically, the firm stated that Plaintiff "refused instructions from a supervising attorney when directed to leverage a third-party vendor to maintain version control of a master slide deck to be used at trial." The firm further stated that "[a]lthough the supervising attorney  
COMPLAINT: JURY TRIAL DEMANDED - 32

explained the importance of this best practice, [Plaintiff] did not seem to agree with the recommended approach, and he continued not to follow the instruction, which led to an altercation that is inconsistent with WilmerHale culture and values.”

237. These statements are false as explained above.

238. Upon information and belief, WilmerHale made these statements in part based on Tran’s complaint about Plaintiff.

239. Upon information and belief, Tran’s complaint to the firm about Plaintiff was also defamatory.

240. Tran knowingly made false statements about Plaintiff in his complaint to WilmerHale.

241. Upon information and belief, Tran knowingly made false statements about Plaintiff in discussions with other attorneys at WilmerHale.

242. Tran’s statements caused special harm. Plaintiff lost his employment at the firm due in part to his false statements.

243. Tran’s statements constitute defamation per se. The statements tend to injure plaintiff in his profession as a lawyer because the statements suggest that Plaintiff disagreed with a best practice.

244. This cause of action is timely.

**THIRD CAUSE OF ACTION AGAINST JOHN DOE  
FOR DEFAMATION**

245. Plaintiff repeats and realleges each and every allegation set forth above as if fully restated herein.

COMPLAINT: JURY TRIAL DEMANDED - 33

246. Upon information and belief, John Doe contributed to the defamatory statement published in Plaintiff's 2022 year-end evaluation.

247. Specifically, the firm stated that Plaintiff "refused instructions from a supervising attorney when directed to leverage a third-party vendor to maintain version control of a master slide deck to be used at trial." The firm further stated that "[a]lthough the supervising attorney explained the importance of this best practice, [Plaintiff] did not seem to agree with the recommended approach, and he continued not to follow the instruction, which led to an altercation that is inconsistent with WilmerHale culture and values."

248. These statements are false as explained above.

249. Upon information and belief, Tran submitted a complaint to WilmerHale about Plaintiff, and his complaint was synthesized by John Doe into the defamatory statements published in Plaintiff's 2022 year-end evaluation.

250. Upon information and belief, the defamatory statements were shown to multiple people at WilmerHale.

251. John Doe was negligent when making the statement. Indeed, WilmerHale did not solicit Plaintiff's side of the story before publishing the false statements.

252. John Doe's statements caused special harm. Plaintiff lost his employment at the firm due in part to the false statements.

253. John Doe's statements constitute defamation per se. The statements tend to injure plaintiff in his profession as a lawyer because the statements suggest that Plaintiff disagreed with a best practice and that Plaintiff was a perpetrator in an altercation.

254. This cause of action is timely.

COMPLAINT: JURY TRIAL DEMANDED - 34

**FOURTH CAUSE OF ACTION AGAINST WILMERHALE  
FOR FRAUDULENT MISREPRESENTATION**

255. Plaintiff repeats and realleges each and every allegation set forth above as if fully restated herein.

256. Plaintiff's 2022 year-end evaluation laid out the terms for the 2023 mid-year interim review. The terms were clear:

[Plaintiff] needs to show greater commitment to his teams, improved understanding of workflow structure, better judgement when pushing back against direction from supervising attorneys, and a willingness to stretch to offer assistance during busy periods. [Plaintiff] is expected to promptly address these concerns and to show significant and sustained improvement over the next three months, at which time he will be provided with a mid-cycle evaluation. If [Plaintiff] has not demonstrated sufficient improvement at that time, he may be asked to leave the firm.

257. Mark Selwyn conducted Plaintiff's 2022 year-end evaluation. He reassured Plaintiff that Plaintiff's substantive legal skills were not at issue. Selwyn emphasized that Plaintiff needs to work on his "soft" skills.

258. WilmerHale never intended to honor the terms of the interim review. Indeed, WilmerHale terminated Plaintiff's employment notwithstanding that Plaintiff complied with the terms of the interim review.

259. WilmerHale made the statement regarding the terms of Plaintiff's interim review with knowledge of its falsity. Upon information and belief, at the time WilmerHale made the statement, the firm had already determined that it would terminate Plaintiff.

260. Upon information and belief, the terms of Plaintiff's interim review were made for the purpose of inducing Plaintiff to rely on them, and to create a purported basis for Plaintiff's eventual termination.

COMPLAINT: JURY TRIAL DEMANDED - 35

261. Plaintiff reasonably relied on the terms of his interim review. Indeed, Plaintiff complied with the terms during the interim period.

262. Had Plaintiff known that WilmerHale did not intend to honor the terms of the interim review, Plaintiff would have looked for other employment while still working at the firm.

263. WilmerHale's fraud resulted in damages to Plaintiff, including his termination and subsequent loss of income.

**FIFTH CAUSE OF ACTION AGAINST ANH-KHOA TRAN  
FOR TORTIOUS INTERFERENCE WITH CONTRACT**

264. Plaintiff repeats and realleges each and every allegation set forth above as if fully restated herein.

265. Plaintiff had a valid contract of employment with WilmerHale.

266. Tran knew of the contract between Plaintiff and WilmerHale.

267. Tran intended to interfere with Plaintiff's contract when he submitted his false report to the firm.

268. Based in part on Tran's unjustified actions, WilmerHale terminated Plaintiff's employment tortiously and in violation of discrimination laws.

269. Tran's unjustified actions resulted in damages to Plaintiff, including his termination and subsequent loss of income.

**SIXTH CAUSE OF ACTION AGAINST JOHN DOE  
FOR TORTIOUS INTERFERENCE WITH CONTRACT**

270. Plaintiff repeats and realleges each and every allegation set forth above as if fully restated herein.

271. Plaintiff had a valid contract of employment with WilmerHale.  
COMPLAINT: JURY TRIAL DEMANDED - 36

272. John Doe knew of the contract between Plaintiff and WilmerHale.

273. John Doe intended to interfere with Plaintiff's contract when he or she contributed to the publication of the defamatory statement in Plaintiff's 2022 year-end evaluation.

274. Based in part on John Doe's unjustified actions, WilmerHale terminated Plaintiff's employment tortiously and in violation of discrimination laws.

275. John Doe's unjustified actions resulted in damages to Plaintiff, including his termination and subsequent loss of income.

**SEVENTH CAUSE OF ACTION AGAINST ALL DEFENDANTS  
FOR INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

276. Plaintiff repeats and realleges each and every allegation set forth above as if fully restated herein.

277. Defendants engaged in extreme and outrageous conduct towards Plaintiff with the intent to cause, or with disregard of a substantial probability of causing, severe emotional distress.

278. Tran commanded Plaintiff to do something nonsensical. Plaintiff responded many times that he would take the command under consideration going forward. Tran was not satisfied. So, he brought Plaintiff outside to scream at him, then threatened to report Plaintiff, then actually reported Plaintiff.

279. John Doe and WilmerHale condoned, approved, and ratified the wrongful conduct of Tran.

280. WilmerHale and John Doe further wrote a defamatory statement in Plaintiff's 2022 year-end review suggesting that Plaintiff was a perpetrator in an altercation.

281. WilmerHale and John Doe engaged in this conduct without soliciting Plaintiff's side of the story.

COMPLAINT: JURY TRIAL DEMANDED - 37

282. WilmerHale further intentionally applied the interim review such that it would not cover September 2022 to December 2022, thus minimizing Plaintiff's contributions and facilitating the termination of Plaintiff.

283. WilmerHale further terminated Plaintiff's employment for performance issues, notwithstanding that Plaintiff complied with the terms of the interim review outlined in Plaintiff's 2022 year-end evaluation, that Plaintiff received above average individual evaluations, and that Plaintiff's litigation teams generally received favorable client results.

284. As a direct and proximate result of Defendants' conduct, Plaintiff suffered humiliation, severe emotional distress, and mental and physical pain and anguish, amounting to damages to be proved at trial.

**EIGHTH CAUSE OF ACTION AGAINST WILMERHALE AND JOHN DOE  
FOR NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

285. Plaintiff repeats and realleges each and every allegation set forth above as if fully restated herein.

286. WilmerHale and John Doe's extreme and outrageous treatment of Plaintiff constitute negligent infliction of emotional distress.

287. WilmerHale and John Doe owed Plaintiff a duty of care in the performance evaluation process.

288. WilmerHale and John Doe breached this duty of care when they published falsehoods about Plaintiff in his 2022 year-end evaluation without soliciting Plaintiff's side of the story.

COMPLAINT: JURY TRIAL DEMANDED - 38

289. As a direct and proximate result of Defendants' conduct, Plaintiff suffered humiliation, severe emotional distress, and mental and physical pain and anguish, amounting to damages to be proved at trial.

**NINTH CAUSE OF ACTION AGAINST WILMERHALE  
FOR RACIAL AND COUNTRY OF ORIGIN DISCRIMINATION, AND A HOSTILE  
WORK ENVIRONMENT IN VIOLATION OF THE NEW YORK CITY HUMAN  
RIGHTS LAW**

290. Plaintiff repeats and realleges each and every allegation set forth above as if fully restated herein.

291. WilmerHale discriminated against Plaintiff based on his race and his country of origin.

292. The harassment and discrimination were sufficiently severe and pervasive to alter the conditions of Plaintiff's employment and create an abusive working environment that resulted in an adverse employment action in violation of NYC Admin. Code §§ 8-101, et seq.

293. As a result of WilmerHale's conduct, Plaintiff has suffered monetary damages, pain and suffering, and emotional distress.

**TENTH CAUSE OF ACTION AGAINST WILMERHALE  
FOR RETALIATION IN VIOLATION OF  
THE NEW YORK CITY HUMAN RIGHTS LAW**

294. Plaintiff repeats and realleges each and every allegation set forth above as if fully restated herein.

295. Plaintiff engaged in conduct protected by the New York City Human Rights Law when he complained to WilmerHale that F2017-2 was assigned substantive work while he was assigned cite checking with the junior associates.

COMPLAINT: JURY TRIAL DEMANDED - 39



296. The actions of WilmerHale of placing Plaintiff on an interim review plan and eventually terminating Plaintiff in part due to his complaint constitute retaliation against Plaintiff.

297. Plaintiff engaged in conduct protected by the New York City Human Rights Law when he complained to WilmerHale about a “part of a pattern of micro and macro aggressions by [Tran] against [Plaintiff].”

298. The actions of WilmerHale of terminating Plaintiff in part due to his complaint constitute retaliation against Plaintiff.

299. Plaintiff suffered damages as a direct and proximate result of WilmerHale’s conduct.

#### **Jury Demand**

300. Plaintiff is entitled to and demands a jury trial.

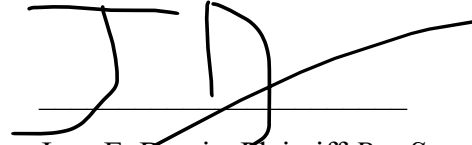
#### **Prayer For Relief**

301. **WHEREFORE** Plaintiff Jean E. Dassie requests judgment awarding him: (a) compensatory and punitive damages against WilmerHale for defamation, fraudulent misrepresentation, intentional and negligent infliction of emotional distress, and for violations of the New York State and New York City Human Rights Laws; (b) compensatory and punitive damages against Tran for defamation, tortious interference with contract, and intentional infliction of emotional distress; (c) compensatory and punitive damages against John Doe for defamation, intentional and negligent infliction of emotional distress, and tortious interference with contract; (d) attorneys’ fees, costs and expenses to the fullest extent permitted by law; and (e) such other relief as the Court deems just and proper.

COMPLAINT: JURY TRIAL DEMANDED - 40

Dated: October 19, 2023

New York, NY

A handwritten signature in black ink, appearing to be 'JD', written over a horizontal line.

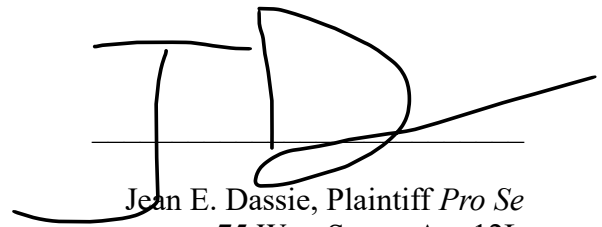
Jean E. Dassie, Plaintiff *Pro Se*  
75 West Street, Apt 12L  
New York, NY 10006  
Phone: (650) 283-9301

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VERIFICATION

I, Jean E. Dassie, being duly sworn, deposes and says:

I am the plaintiff in the above-entitled action. I have read the foregoing summons and complaint and know the contents thereof. The same is true to my knowledge, except as to matters therein stated to be alleged on information and belief and as to those matters, I believe them to be true.

A handwritten signature in black ink, appearing to be 'JD', written over a horizontal line. The signature is stylized and cursive.

Jean E. Dassie, Plaintiff *Pro Se*  
75 West Street, Apt 12L  
New York, NY 10006  
Phone: (650) 283-9301