

I.
PRELIMINARY STATEMENT

1. Sexual harassment remains a pervasive problem affecting employees (disproportionately women) across the country. Law firms, often held out as bastions of integrity, are unfortunately no exception—predatory behavior and unequal treatment run rampant.¹

2. Fifty-five years after Title VII of the Civil Rights Act of 1964 (“Title VII”) was enacted, and decades after policies, procedures and training programs to address the problem of sexual harassment became de rigeur, studies confirm that predatory behavior remains a significant problem and is not correcting in the legal profession.² Sexual harassment, particularly by older male partners abusing junior woman colleagues is still today “widespread throughout the legal profession, targeting women (and sometimes men) of all ages and at all career stages.”³ What

¹ American Bar Association, *Study Reveals ‘Chronic’ Legal Workplace Harassment; Young Lawyers Take Action*, July 2019, available at https://www.americanbar.org/news/abanews/publications/youraba/2019/july-2019/study-reveals_chronic-legal-workplace-harassment--young-lawyers/; Debra Cassens Weiss, *Harassment is ‘Embedded within the Culture’ in Many Legal Workplaces, New Study Finds*, American Bar Association, July 8, 2020, available at <https://www.abajournal.com/news/article/harassment-is-embedded-in-the-culture-in-many-legal-workplaces-study-finds>; Kathryn Rubino, *A Look At The Staggering Sexual Harassment Numbers In The Legal Profession*, Above the Law, May 15, 2019, available at <https://abovethelaw.com/2019/05/a-look-at-the-staggering-sexual-harassment-numbers-in-the-legal-profession/>; Kate Gibson, CBS News, *Sexual Harassment Rife in the Legal Profession*, Feb. 5, 2019, available at <https://www.cbsnews.com/news/sexual-harassment-rife-in-the-legal-profession/>; Patrick Smith, *‘No Consequences’: Sexual Harassment Persists in Law Firm Culture*, The American Lawyer, Sept. 1, 2022, available at <https://www.law.com/americanlawyer/2022/09/01/still-broken-women-in-law-continue-to-face-harassment/?slreturn=20230804170314>; Barney Thompson, *Sexual Harassment and Bullying Rife in Legal Profession*, Financial Times, May 14, 2019, available at <https://www.ft.com/content/cf4517ac-7657-11e9-be7d-6d846537acab>; Women Lawyers On Guard’s Survey on Sexual Misconduct and Harassment in the Legal Profession, available at <https://womenlawyersonguard.org/still-broken/>

² American Bar Association, *Study Reveals ‘Chronic’ Legal Workplace Harassment; Young Lawyers Take Action*, July 2019, available at https://www.americanbar.org/news/abanews/publications/youraba/2019/july-2019/study-reveals_chronic-legal-workplace-harassment--young-lawyers (studies show “that sexual harassment by partners and supervising partners does not appear to have lessened in 30 years”); Women Lawyers On Guard’s Survey on Sexual Misconduct and Harassment in the Legal Profession, available at <https://womenlawyersonguard.org/still-broken/>; Kathryn Rubino, *A Look At The Staggering Sexual Harassment Numbers In The Legal Profession*, Above the Law, May 15, 2019, available at <https://abovethelaw.com/2019/05/a-look-at-the-staggering-sexual-harassment-numbers-in-the-legal-profession/> (“A new international survey reveals that sexual harassment in the legal profession is truly at epidemic proportions.”)

³ Women Lawyers On Guard’s Survey on Sexual Misconduct and Harassment in the Legal Profession, available at <https://womenlawyersonguard.org/still-broken/>

is worse, “the system for addressing sexual harassment in the legal profession is still broken,” so most victims never report their abuse, suffering in silence, fearing retaliation, damage to their careers, or further harassment, while their abusers suffer no consequences.⁴ “

3. Indeed, law firms—experts on shielding their clients from liability or public scrutiny—foster the perfect storm for shielding the predators they employ. Many that do not report harassment “sa[y] they kept silent because such incidents were endemic at the workplace and seen as acceptable” at the top of the “good old boys” network protecting their fellow senior, male partners, who often bring in hefty profits benefiting the firm.⁵ Worse, much of this misconduct, even if reported, remains hidden from public scrutiny as a result of law-firm-friendly, confidential arbitration agreements.⁶ These factors combine to create a “culture of silence that protects perpetrators at the cost of their victims.”⁷

4. In an effort to remedy this lack of accountability and public scrutiny, in March 2022, the Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act (“EFASASHA”) was signed into law.⁸ The EFASASHA invalidates pre-dispute arbitration

⁴ Women Lawyers On Guard’s Survey on Sexual Misconduct and Harassment in the Legal Profession, available at <https://womenlawyersonguard.org/still-broken/>

⁵ Barney Thompson, *Sexual harassment and bullying rife in legal profession*, Financial Times, May 14, 2019, available at <https://www.ft.com/content/cf4517ac-7657-11e9-be7d-6d846537acab>; Women Lawyers On Guard’s Survey on Sexual Misconduct and Harassment in the Legal Profession, available at <https://womenlawyersonguard.org/still-broken/>; Kate Gibson, CBS News, *Sexual harassment rife in the legal profession*, Feb. 5, 2019, available at <https://www.cbsnews.com/news/sexual-harassment-rife-in-the-legal-profession/> (“sexual harassment is more pervasive in male-dominated professions, and law remains ‘a bit of an old boys’ club”)

⁶ Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021, House Committee Report 117-234, p. 10; Women Lawyers On Guard’s Survey on Sexual Misconduct and Harassment in the Legal Profession, available at <https://womenlawyersonguard.org/still-broken/>

⁷ Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021, House Committee Report 117-234, p. 10; *id.* (“the secretive nature of arbitration ‘has allowed outrageous violations, in some cases years of sexual harassment and predation, to remain hidden from view and therefore to continue’”).

⁸ “Forced arbitration isn’t court . . . [so] [p]roceedings are conducted in secret, often by arbitrators selected and paid for by the employer . . . [meaning] [f]orced arbitration shielded perpetrators, silenced survivors, and enabled employers to sweep episodes of sexual assault and harassment under the rug. And it kept survivors from knowing if others have

agreements for disputes involving allegations of sexual assault or sexual harassment. Since the law was enacted, victims nationwide, who would previously have been confined to private dispute resolution, have brought lawsuits in public fora. But few of those victims have fully revealed the innerworkings of the sexual harassment that occurs at many AmLaw 100 law firms—until now.

5. Polsinelli is a law firm based in Kansas City, Missouri that employs over 1,000 attorneys. It sits at 63 in the AmLaw rankings. In its sanctimonious marketing, the Firm describes itself as a paragon of professionalism and a model community. Indeed, the firm’s tagline is “[w]hat a law firm should be” and its homepage extolls the firm as an enterprise in “humanity, compassion, and true partnership.”⁹ In reality, when confronted, as it often is, with allegations of workplace abuse and discrimination, Polsinelli hides behind layers of confidentiality agreements and forced private dispute resolution provisions.¹⁰ The firm protects its leadership at the expense of victims and correcting the underlying issues.

6. Plaintiff Julia I. Rix brings this sexual harassment and retaliation action against Polsinelli and two of its senior shareholders in violation of Title VII and the District of Columbia Human Rights Act (“DCHRA”).

7. Rix is an international corporate attorney whose practice entails counseling multinational clients through cross-border transactions and opportunities. Polsinelli, a national law firm with international ambitions,¹¹ offered Rix a position as an equity shareholder in the Firm’s Washington D.C. office to bolster the Firm’s global practice. Rix accepted Polsinelli’s offer and

experienced the same thing, in the same workplace, at the hands of the same person.” Remarks by President Joe Biden at signing of H.R. 4445, “Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021.”

⁹ <https://www.polsinelli.com/>

¹⁰ Among its vast alumni of former partners who left the firm in disgust, Polsinelli is known as “the firm that should never be.”

¹¹ <https://www.polsinelli.com/international>

began her new employment with enthusiasm, seizing the opportunity and seeking connections that would advance her career and Polsinelli's international reach. But her excitement proved to be short-lived.

8. Early on, Rix was introduced to, among others, two influential shareholders in the Firm's international practice: Scherzer, a senior technology and privacy attorney, and Dabiri, head of the cross-border finance group and manager of the Firm's New York office. Given the nature of Rix's practice—in which she guides foreign clients alongside professionals with relevant expertise—these senior partners were necessary resources of a successful practice. Thus, they were also gatekeepers to Rix's success.

9. But almost immediately, these partners made unprofessional demands on Rix. They employed bait-and-switch tactics, promising Rix the chance to discuss case strategy or client development—only to use the ensuing meeting as an opportunity to harass her. When Rix sought counsel with women in the firm, she was “warned” about the prevalence of sexual harassment of women at Polsinelli. They described a workplace rife with mistreatment and impropriety—and a culture indifferent to the “situation” given this “tone at the top.”¹²

10. Over nearly two years at Polsinelli, Rix was repeatedly hounded by the older senior partners to join them for after-hours drinks, hotel “meetings,” and forced to endure salacious comments about her appearance. In fact, two older, married partners insisted on late-night rendezvous, communicated their sexual interest in her, and forced unwanted physical intimacy.

11. Naturally, Rix feared that rejecting these advances would be fatal to her ability to build the practice for which she was hired. As senior partners in the same sphere, these partners

¹² The “tone” includes the widely held belief that the male managing partner was “involved” in an inappropriate relationship with, among others, his younger assistant who is a woman.

enjoyed wide influence across the Firm and could “make or break” her career there. In short, Rix felt that her quiet submission to these advances was a quid pro quo for her success at Polsinelli.

12. Rix’s fears became a reality when, following her performance review, Polsinelli stripped Rix of her equity shareholder status and docked her income. While the Firm cited Rix’s alleged lackluster client originations and productivity, other senior leaders privately acknowledged its failure to adequately support Rix’s practice. Indeed, the lack of support and access thwarted Rix’s ability to meet these performance metrics. And, retaliatory criticism by the rebuffed senior shareholders fueled Polsinelli’s decisions.

13. Emboldened by this turn of events, the harassment continued. In one sordid episode during a work trip, a senior, married partner schemed his way into Rix’s hotel room and kissed her without her consent—all of which he admitted in a barrage of text messages.

14. When Rix took action and reported the misconduct to the Firm’s head of Human Resources, Polsinelli fired her without cause. The Firm cited purported performance issues—none of which are valid—and did so without conducting an investigation.

15. Polsinelli’s callous gas-lighting of Rix in response to her claims of sexual harassment is shocking—but not surprising. Indeed, the Firm’s leadership is well-known among its employees for turning a blind eye to discriminatory treatment of protected personnel, condoning sexual harassment, and promoting individuals with few skills other than inappropriate workplace relationships to positions of power.¹³ Indeed, in the past two years alone, numerous employees, including shareholders, have asserted claims relating to the Firm’s discriminatory conduct, including on the basis of sexual orientation, ethnic origin, and race. Victims universally cite to the

¹³ Discovery will establish that dozens of professionals have left Polsinelli after making claims regarding the discriminatory misconduct they witnessed.

“good old boys” network that dominates Firm leadership and excludes protected individuals from advancement. When employees raise concerns that reflect badly on those leaders, the Firm retaliates and alleges—often for the first time—“performance issues.”

16. As a result of Defendants’ misconduct, Rix suffered and continues to suffer emotional, financial, and reputational harm. Rix brings this action to remedy those wrongs and shine a light on the discriminatory environment that, as with so many other law firms, dominates the workplace at Polsinelli.

II. **PARTIES**

17. Plaintiff Julia I. Rix is an attorney licensed to practice in Washington, D.C. and New York. She is a former employee of Defendant Polsinelli PC in the firm’s Washington D.C. office. She resides in Washington, D.C.

18. Defendant Polsinelli PC is a professional corporation organized under the laws of the State of Missouri. Defendant has offices, and regularly offers legal services, in Washington, D.C.

19. Defendant Dov H. Scherzer is an attorney licensed to practice in Massachusetts and New York. He is an equity Polsinelli shareholder in the Firm’s New York office. He resides in New York, New York.

20. Defendant Gabriel Yomi Dabiri is an attorney licensed to practice in New York. He is an equity Polsinelli shareholder, the Leader of Polsinelli’s Private Credit and Cross-Border Finance practice, and Office Managing Partner of the Firm’s New York office. He resides in New York, New York.

III.
JURISDICTION AND VENUE

21. This Court has jurisdiction over this action pursuant to D.C. Code §§ 11-921 and 2-1403.16.

22. The Court has personal jurisdiction pursuant to D.C. Code §§ 13-422 and 13-423.

23. Venue properly lies in this Court because Defendants transact business in the District of Columbia and caused tortious injury in the District of Columbia.

IV.
FACTUAL BACKGROUND

A. Rix, an International Corporate Attorney, is Experienced in Cross-Border Transactions.

24. Rix attended the University of Trier Law School, received her bachelor's degree in political science and international relations from Florida Atlantic University, and graduated from Nova Southeastern University Shepard Broad College of Law. Rix began her legal career as in-house counsel for Tyco International, a global conglomerate with thousands of entities, advising on corporate and commercial issues.

25. After receiving her L.L.M. from Georgetown University Law Center, Rix was an associate at two international, full-service law firms, practicing in their Washington D.C. offices. She is fluent in numerous languages.¹⁴

26. As an international corporate attorney, Rix counsels and guides multi-national clients through various legal challenges and opportunities. To offer her clients the best services and advice available, Rix often depends on the expertise and connections of her colleagues who may have experience in relevant jurisdictions or practice areas.

¹⁴ Ex. 1, LinkedIn biography of Julia I. Rix.

B. Polsinelli Lures Rix to the Firm.

27. Polsinelli is a national law firm headquartered in Kansas City, Missouri. Polsinelli has over 1,000 attorneys in 23 offices. The Firm advertises numerous international practice groups.

28. In early 2021, during discussions about her joining the Firm as a shareholder, Polsinelli reinforced with Rix its commitment to growing its international transactions practice groups. Importantly, Polsinelli emphasized that it would make available to Rix a vast array of resources—pointing in particular to the international connections of its “established shareholders.”¹⁵ The Firm and Rix understood that Rix’s practice would depend on these “resources” and a multi-year commitment to enable it to flourish. On February 16, 2021, Polsinelli extended Rix an offer in the Firm’s Washington D.C. office, which she accepted.¹⁶ On February 29, 2021, Rix began her employment as an equity shareholder in the Firm’s Corporate and Transactional practice group in the Washington D.C. office.

29. At the time of her hiring, Polsinelli issued a press release, which advertised that she was joining the International Corporate and Transactional Practice and bringing experience to the International and Latin America practices.¹⁷ The press release was consistent with the promises made to Rix—unfortunately, Rix would come to learn that the reality of the Firm was far different.¹⁸ Polsinelli was not committed to growing these practice groups, as Rix would soon find out.

¹⁵ Rix interviewed with and/or negotiated her employment with Firm shareholders, including Frank Ross, Jon Henderson, Jane Arnold, and Chase Simmons.

¹⁶ The letter was signed by the Firm’s Chairman and CEO, Chase Simmons.

¹⁷ The press release has since been deleted. However, the link continues to display on Polsinelli’s Facebook page. Ex. 2.

¹⁸ Since 2021, numerous shareholders have left the firm.

30. Nonetheless, eager to contribute to and become a part of the Firm, Rix quickly sought opportunities to build out her practice. Her excitement was short-lived.

C. Trouble in Paradise—Rix is Confronted by Influential Group Members of Senior Partners That Sexually Harass Her.

31. In March 2021, only weeks after beginning her employment, Rix agreed in response to a request from Dov H. Scherzer,¹⁹ a Polsinelli Shareholder based in the Firm’s New York office, to work on a presentation for a new cross-border matter. Having worked on similar matters for other clients, Rix’s experience made her a natural choice for the project. Importantly, she was told that Scherzer was a partner who would be influential in her advancement.

32. Scherzer, who is twenty years Rix’s senior, has been a partner at various law firms for over fifteen years. He has been a shareholder at Polsinelli since 2015, where he advertises himself as a technology and privacy attorney with a strong international practice.

33. While working on the presentation, Rix participated in several meetings with Scherzer via videoconference and phone to discuss the client’s needs and strategy. Several of these meetings occurred late at night, with some lasting until early in the morning.

34. From the outset, Scherzer made it obvious that he took a strong, unprofessional liking to Rix. At times, even via video or phone, the tone of the conversations initiated by Scherzer made Rix uncomfortable. He often asked her personal questions and conveyed his preference in “getting together” if they were going to “work deals together.” Although distasteful, Rix hoped the “situation” would “die a natural death” if she acted professionally to complete the presentation. Because Scherzer was a senior shareholder in the international practice, whose goodwill and connections Rix needed to advance her career at the Firm, Rix hoped she had misread his behavior.

¹⁹ Ex. 3, Polsinelli Biography of Scherzer. Scherzer, approx. age 59, is married.

35. That “hope” was dashed a few weeks later, on April 23, 2021, when Scherzer visited Washington, D.C. for a “business meeting.” Upon arriving in D.C., Scherzer asked Rix to go out for drinks and dinner for the first time. Rix declined Scherzer’s invitation, explaining that she had plans that night with her then-partner. Rix intended the unequivocal rejection to set a clear boundary. Unfortunately, it would be crossed numerous times by Scherzer.

36. In May 2021, Scherzer planned a business development trip to North Carolina to visit the client for whom he prepared the presentation referenced above.²⁰ Having provided substantial input to the presentation, Rix naturally contemplated going on the trip to meet the client, as well as to visit some other clients of her own in the area. Already uncomfortable, Rix weighed the decision of whether to attend. She sought advice from a woman former Polsinelli shareholder, who ominously warned Rix “to be careful.” Rix canceled the trip.

37. Later that month, on May 30, 2021, while visiting Washington D.C., Scherzer again asked Rix to dinner and drinks. Again, Rix politely declined the offer and emphasized that she would be spending time with her “significant other.”

38. On June 2, 2021, while again in Washington, D.C., Scherzer asked Rix to get drinks with him. Again, Rix declined.

39. Undeterred, the next day, Scherzer sent a series of text messages in which he again asked Rix to drinks. Rix *again* declined, saying it was “not looking good.” Scherzer responded that “not looking good” was different than “definitely not.”

40. On June 7, 2021, Scherzer used the occasion of a business call to inform Rix that he was disappointed she canceled the trip to North Carolina because he had hoped to attend with Rix as he needed a “relaxing trip down south.”

²⁰ See *supra*, para. 31.

41. In that year alone, Scherzer made at least nine separate requests to Rix for dinner and drinks—each overtly tied to his “growing affection” for Rix and his willingness to assist her with “firm business.” Each time, Rix declined, often resorting to delayed responses, diversions, or concocted alternative plans to avoid his advances without doing irreputable harm to the possibility of a working relationship with him and her career at Polsinelli.²¹

42. In one communication—in which Rix declined yet another invitation to dinner—Scherzer commented that Rix’s hours were “not very high.” He went on to say that “there must be a glitch in the accounting system,” because she was apparently too busy to see him. Scherzer then offered to help Rix “sort it out,” if she wanted his help.

43. The situation went from bad to worse in mid-March 2022, when Rix travelled to New York to attend the New York Global Leaders in Law event, which brings together corporate and in-house counsel across an array of industries.

44. Prior to her arrival, Polsinelli sent a routine email notifying its New York office that Rix would be visiting and working in the office. Scherzer used the notification as another opportunity to ask Rix to dinner and drinks. She declined.

45. While working in the New York office, Rix met with Gabriel Yomi Dabiri,²² by whom she had previously been invited to lunch while he was visiting the Washington, D.C. office. Dabiri was and continues to be the Managing Partner of Polsinelli’s New York office and Leader of the Firm’s Private Credit and Cross-Border Finance practice.

²¹ E.g., Text Messages between Rix and Scherzer, dated May 31, 2021, June 2, 2021, and June 3, 2021.

²² Ex. 4, Polsinelli Biography of Dabiri. Dabiri, approx. age 45, is married.

46. Given his position at the Firm and their overlapping practice areas, Rix invited Dabiri to join her for the Global Leaders in Law event. The night of the event, Dabiri proclaimed that Rix “clean[s] up well.”

47. Later that month, Rix traveled to London on Polsinelli business. Dabiri, who was also present, invited Rix to dinner and drinks to discuss “global strategy.” Excited at the prospect of a productive professional conversation, Rix accepted. Unfortunately, it soon became clear that the “work dinner” was a pretense for Dabiri to boldly express a sexual interest in Rix. In fact, despite numerous attempts to move the conversation to business, Dabiri refused to—instead steering the conversation towards suggestive topics. Rix—frustrated and fearful given Dabiri’s overt attempt to pursue a physical “event” with her—ended the night as soon as possible. Undeterred, on the last night of their trip, Dabiri invited Rix to have drinks and go salsa dancing. However, given the above, Rix declined. Afterwards, Dabiri sent Rix a text message late at night saying, “sleep well.”²³

48. Throughout this time, Plaintiff spoke with colleagues about Polsinelli firm culture.²⁴ To her chagrin, numerous employees—especially women—agreed that the Firm failed to provide any meaningful protection for women being sexually harassed by the senior male partners.

49. Ever cognizant of Rix’s whereabouts, Scherzer learned that Rix would be in New York and again used the opportunity to ask her to go dinner—this time with an express promise that he wanted to discuss “clients”—and he proposed a time that Rix had already unwittingly made

²³ Text message between Dabiri and Rix, dated March 30, 2022.

²⁴ The Firm has a well-known propensity to retaliate against those who question it in any way.

known was available. Unable to refuse the request, Rix reluctantly agreed. Scherzer did not discuss clients during this dinner and instead made several blatant sexual overtures towards Rix.

50. Later that month, Rix attended a shareholder retreat in Austin, Texas. She brought her then-partner at her own expense. For much of the retreat, the straight men that occupy most of the Firm's Kansas City leadership, including CEO and Chairman Chase Simmons, along with senior shareholders Scherzer and Dabiri, socialized in what appeared to Rix and other woman shareholders like exclusive cohorts. One administrative staff, with whom Simmons is widely believed to be having an affair, was among the woman allowed to join these "small council" meetings.

51. At various times during the retreat, Scherzer and Dabiri made suggestive and inappropriate remarks about Rix and each commented negatively about her not attending the retreat alone. Later, Scherzer bragged that he and another male shareholder from the New York office successfully persuaded a woman associate to "come to his room" on the first night of the retreat until 4 a.m.

52. In the weeks that followed, Scherzer attempted to convince Rix to join him for a conference in Dallas, Texas. She declined.

53. Then, Scherzer informed Rix of an upcoming work trip to London that he purportedly wanted to discuss with her. Rix requested to have an in-office discussion. Scherzer insisted the meeting happen during happy hour instead.

54. Although Rix acquiesced to this invitation in hopes of generating business, nothing work-related was discussed.

D. Paradise Lost—Due to the Constant Harassment, Rix Takes Steps to Save Her Career.

55. By the fall of 2022, Rix knew that she was being denied business opportunities that should have been available to her. However, the partners upon which her practice was dependent time and again attempted to condition “working deals together” upon her willingness to succumb to their demands for a personal (sexual) relationship.

56. These quid pro quo demands resulted in very real negative consequences to Rix’s ability to generate business and to work productively in her international practice. In short, the predators were making it impossible for Rix to perform her job.

57. Recognizing the impact that her repeated rejections of these powerful shareholders’ was having on her performance at the Firm, Rix often felt obligated to placate Scherzer and Dabiri’s egos to safeguard her career. Rather than acknowledging the turmoil caused by their behavior, Scherzer and Dabiri—emboldened by the Firm’s culture of discrimination—each took it as license to ratchet up the harassment.

58. On October 2, 2022, Rix attended another Global Leaders in Law event in Miami, Florida. Dabiri was in attendance. After Dabiri insisted on a dance with Rix, during which he repeatedly touched her, Rix hid in the bathroom to calm herself and avoid further advances. Later, Dabiri admonished her that it would be a waste of Firm resources to take separate rides home. He offered no such carpooling invitation to any other professional at the event. Once inside the car, Dabiri made sexually charged passes at Rix and told her that she was “his type.” Overwhelmed by the inappropriate advances, Rix was so distraught, she could not attend meetings the next day.²⁵

²⁵ As a result, Rix missed a meeting with Fieldfisher, Bird & Bird, AguilarCastilloLove, SIXT, Mastercard, and Johnson Controls.

59. That month, Rix had her first negative annual performance review.²⁶ The review was conducted by shareholders Frank Ross, Chair of the Business Department until November 2022, and Jon Henderson, Co-Chair of Mergers and Acquisitions. Ross and Henderson regularly work with Scherzer and Dabiri and are frequently involved in high-level Firm administrative and personnel issues with a direct impact on Rix's performance review. During that review, while Firm leadership cited to Rix's allegedly lackluster performance metrics, they agreed that the Firm's management had not fulfilled its commitment to supporting Rix's practice, and that this "lack of support" crippled Rix's ability to perform. This was the first time anyone at the firm raised issues with her "performance."

60. In subsequent conversations initiated by Rix with Jane Arnold and Kolin Holladay, Co-Chairs of the Business Department, Arnold and Holladay also acknowledged the Firm's failure to support Rix's practice. Arnold also advised Rix that she should think about having children as it might make her more "efficient and disciplined."

61. Following the review, Rix was de-equitized to income shareholder status, and her compensation was reduced. Having "held back" over one hundred thousand dollars in paychecks over the course of fiscal year 2022, the Firm failed to pay Rix the remainder of her compensation owed.

E. The End and the Damage Done.

62. On October 31, 2022, Rix attended the International Bar Association conference in Miami, Florida. She brought a friend for protection. At the beginning of the conference, Rix attended a dinner with several other Polsinelli shareholders, including Scherzer. In an effort to avoid Scherzer, Rix chose to sit next to a partner in the Miami office with whom she had developed

²⁶ Her first review, which was only a few months after starting at the Firm, was completely positive.

a good relationship during her time at the Firm.²⁷ As dinner went on, the chair next to Rix was left open, and Scherzer jumped to fill it and claimed—in a twisted irony—that she needed “protection” from other men at the table. Scherzer drank heavily and made racial slurs at the table about Infante’s accent and use of Spanish, culminating in a shouting match between Scherzer and Infante.

63. Throughout the dinner, Scherzer repeatedly requested that Rix and her friend—whom he referred to as “girls”—leave with him for “one last drink.” Although the dinner and Scherzer’s hotel were in South Beach, Scherzer insisted on sharing an Uber with Rix to her Brickell hotel nearly a half hour away across Biscayne Bay. When they arrived at Rix’s hotel, Rix’s friend came to the bar at Rix’s request. Scherzer repeatedly asked if he could “raid” Rix’s hotel mini-bar. Rix declined.

64. The following night, as Rix attended a Miami Heat game with a vendor, Scherzer texted her repeatedly and asked her to go for drinks. Rix declined.

65. In January 2023, Rix initiated a meeting with Jane Arnold regarding the outlook of her practice group, as well as ways in which the Firm could support it. Rix proactively crafted a business plan and sent it prior to the meeting. During the meeting, it was clear that Arnold had not read the business plan.

66. In February 2023, Rix attended the Global Law Leaders Women’s Exchange in New York City. While in the city, Scherzer suggested they meet to discuss strategy. Rix agreed to meet him in the restaurant of the hotel in which he was staying. The purpose of the meeting from Rix’s perspective was to address the “situation” and to salvage some professional collaboration. However, all of that changed when Scherzer insisted following Rix to her hotel room. Nervous,

²⁷ Emil Infante was a shareholder in Polsinelli’s Miami office and Chair of the firm’s Latin America practice from March 2020 through November 2022.

scared, and under duress, Rix “allowed” Scherzer to come into her sitting area for a single drink. Despite Rix’s insistence that he only stay for that purpose, Scherzer kissed her without her consent. Offended and panicked, Rix cajoled Scherzer from her room. Scherzer—unrepentant and undeterred—texted her incessantly, requesting to “come back” throughout the night.

67. After this trip, Rix did her best to limit her communications with Scherzer. However, the next month, when Scherzer traveled to Washington, D.C., he asked her to meet again, in what Rix thought may have been an effort to apologize or otherwise remedy the situation. Nervous, both to be alone with Scherzer and also at the consequences of rejecting his request, Rix agreed to meet in public.

68. Far from *mea culpa* she expected, Scherzer made it clear that he expected to receive another kiss from Rix.

69. On May 8, 2023, Rix sent a letter to Jodie Hughey, Polsinelli’s Chief People and Communications Officer, informing the Firm of the misconduct she experienced. She did so to protect herself and put the firm on notice—and to protect others from the type of harassment she had endured.

70. Despite Rix’s request that Polsinelli direct future communications regarding the complaint to her counsel, Hughey and Polsinelli’s Chief Legal Officer, James Berglund, subsequently attempted to meet with Rix without counsel present.

71. Two days later, on May 10, 2023, Polsinelli fired Rix, without cause.

72. Following termination, the Firm failed to pay Rix the remainder of her outstanding, agreed-upon compensation for fiscal year 2023.

73. Polsinelli also failed to return to Rix the balance of the equity she originally invested in the Firm.

74. While the letter claimed that Polsinelli takes Rix's report of sexual harassment and discrimination "seriously," true to form, the Firm's commitment to a workplace free of discrimination and harassment was mere lip service. To Rix's knowledge, Polsinelli conducted no investigation. No remediation has been attempted by the Firm.

75. Defendants' misconduct continues to take a toll on Rix, who suffers daily as a result of the harassment and retaliation she endured. She remains unable to find replacement employment.

V.
CAUSES OF ACTION

Count One: Sexual Harassment/Hostile Work Environment in Violation of the D.C. Human Rights Act (against all Defendants)

76. Plaintiff incorporates the paragraphs above as though copied verbatim herein.

77. By reason of the foregoing, Defendants subjected Plaintiff to sexual harassment and a hostile work environment.

78. Defendants' misconduct was frequent, occurred throughout the duration of Rix's employment, and occurred at work, work events, and on work trips.

79. Defendants' harassment was humiliating and degrading.

80. The harassment was perpetrated by senior shareholders in Rix's practice areas and Department.

81. The harassment was pervasive and negatively affected the terms, conditions, or privileges of Rix's employment.

82. Defendants knew, or should have known, about the sexual harassment and failed to take corrective action.

83. As a direct and proximate result of Defendants unlawful conduct in violation of DCHRA, Plaintiff has suffered and continues to suffer monetary, reputational, and/or economic harm for which she is entitled to an award of damages.

84. As a direct and proximate result of Defendants' unlawful conduct in violation of DCHRA, Plaintiff has suffered, and continues to suffer, emotional harms for which she is entitled to an award of compensatory damages.

85. Defendants' unlawful and discriminatory actions were intentional, done with malice and/or showed a deliberate, willful, wanton and reckless indifference to Plaintiff's rights under DCHRA, for which Plaintiff is entitled to an award of punitive damages.

86. Plaintiff is also entitled to an award of attorneys' fees and costs.

Count Two: Retaliation in Violation of the D.C. Human Rights Act (against Polsinelli)

87. Plaintiff incorporates the paragraphs above as though copied verbatim herein.

88. Plaintiff engaged in protected activity when she reported to Polsinelli that she had been the victim of harassment, discrimination, and a hostile work environment in violation of DCHRA in the manners described above.

89. Polsinelli retaliated against Plaintiff, in violation of DCHRA, by terminating her employment with Defendant.

90. As a direct and proximate result of Polsinelli's unlawful retaliatory conduct in violation of DCHRA, Plaintiff has suffered, and continues to suffer, monetary, reputational, and/or economic harm, for which she is entitled to an award of damages.

91. As a direct and proximate result of Polsinelli's unlawful retaliatory conduct in violation of DCHRA, Plaintiff has suffered, and continues to suffer, mental anguish and emotional harms, for which she is entitled to an award of compensatory damages.

92. Polsinelli's unlawful and retaliatory actions were intentional, done with malice and/or showed a deliberate, willful, wanton and reckless indifference to Plaintiff's rights under DCHRA, for which Plaintiff is entitled to an award of punitive damages.

93. Plaintiff is also entitled to an award of attorneys' fees and costs.

Count Three: Aiding and Abetting Violations of the D.C. Human Rights Act (against Dov Scherzer and Gabriel Yomi Dabiri)

94. Plaintiff incorporates the paragraphs above as though copied verbatim herein.

95. Scherzer and Dabiri were at all relevant times shareholders at Polsinelli.

96. Scherzer and Dabiri each personally discriminated against and sexually harassed Plaintiff.

97. As a direct and proximate result of Scherzer and Dabiri's unlawful conduct in violation of DCHRA, Plaintiff has suffered, and continues to suffer, reputational, economic, and emotional harms for which she is entitled to an award of compensatory damages.

98. Scherzer and Dabiri's unlawful and discriminatory actions were intentional, done with malice and/or showed a deliberate, willful, wanton and reckless indifference to Plaintiff's rights under DCHRA, for which Plaintiff is entitled to an award of punitive damages.

99. Plaintiff is also entitled to an award of attorneys' fees and costs.

Count Four: Sexual Harassment/Hostile Work Environment in Violation of Title VII of the Civil Rights Act of 1964 (against Polsinelli)²⁸

100. Plaintiff incorporates the paragraphs above as though copied verbatim herein.

101. By reason of the foregoing, Defendants subjected Plaintiff to sexual harassment and a hostile work environment.

²⁸ Plaintiff's Notice of Right to Sue is attached as Ex. 5.

102. The harassment was pervasive and negatively affected the terms, conditions, or privileges of Rix's employment.

103. Defendants knew, or should have known, about the sexual harassment and failed to take corrective action.

104. As a direct and proximate result of Defendants unlawful conduct in violation of Title VII, Plaintiff has suffered and continues to suffer monetary, reputational, and/or economic harm for which she is entitled to an award of damages.

105. As a direct and proximate result of Defendants' unlawful conduct in violation of Title VII, Plaintiff has suffered, and continues to suffer, emotional harms for which she is entitled to an award of compensatory damages.

106. Defendants' unlawful and discriminatory actions were intentional, done with malice and/or showed a deliberate, willful, wanton and reckless indifference to Plaintiff's rights under Title VII, for which Plaintiff is entitled to an award of punitive damages.

107. Plaintiff is also entitled to an award of attorneys' fees and costs.

Count Five: Retaliation in in Violation of Title VII of the Civil Rights Act of 1964 (against Polsinelli)

108. Plaintiff incorporates the paragraphs above as though copied verbatim herein.

109. Plaintiff engaged in protected activity when she reported to Polsinelli that she had been the victim of harassment, discrimination, and a hostile work environment in violation of Title VII in the manners described above.

110. Polsinelli retaliated against Plaintiff, in violation of Title VII, by terminating her employment with Defendant.

111. As a direct and proximate result of Polsinelli's unlawful retaliatory conduct in violation of Title VII, Plaintiff has suffered, and continues to suffer, monetary, reputational, and/or economic harm, for which she is entitled to an award of damages.

112. As a direct and proximate result of Polsinelli's unlawful retaliatory conduct in violation of Title VII, Plaintiff has suffered, and continues to suffer, mental anguish and emotional harms, for which she is entitled to an award of compensatory damages.

113. Polsinelli's unlawful and retaliatory actions were intentional, done with malice and/or showed a deliberate, willful, wanton and reckless indifference to Plaintiff's rights under Title VII, for which Plaintiff is entitled to an award of punitive damages.

114. Plaintiff is also entitled to an award of attorneys' fees and costs.

Count Six: Breach of Contract (against Polsinelli)

115. Plaintiff incorporates the paragraphs above as though copied verbatim herein.

116. In February 2021, Polsinelli offered Rix employment at an agreed-upon annual salary for fiscal year 2022. Rix accepted this salary as part of her employment.

117. During each month of fiscal year 2022, Polsinelli held back portions of Rix's agreed-upon salary. As a result, she received, in total, approximately \$128,733 less than her agreed-upon annual salary.

118. In October 2022, Polsinelli represented to Rix that she would receive an agreed-upon annual salary for fiscal year 2023.

119. During each month of fiscal year 2023, Polsinelli held back portions of Rix's agreed-upon salary. As a result, she received, in total, approximately \$31,563 less than her agreed-upon annual salary.

120. Rix performed under the agreements.

121. Polsinelli's failure to pay Rix her agreed-upon salary for fiscal years 2022 and 2023 resulted in harm to Rix.

Count Seven: Intentional or Reckless Infliction of Emotional Distress (against all Defendants)

122. Plaintiff incorporates the paragraphs above as though copied verbatim herein.

123. As a result of Defendants' treatment of Rix, including conducting or permitting sexual harassment and hostile work environment, and her unlawful retaliation described above, Rix has suffered humiliation and severe emotional distress.

124. Defendants acted intentionally in requiring quid pro quo sexual conduct as a part of her employment at the Firm, incessantly harassing Rix with sexual overtures, sabotaging Rix's career development for her refusal to engage in a sexual relationship with her senior coworkers, in terminating Rix after she spoke out about the abuse she suffered, and in gas-lighting Rix about her performance abilities to cover up this abuse.

125. This extreme and outrageous conduct against Rix goes beyond all possible bounds of decency and is utterly intolerable in a civilized community.

126. Defendants' actions were without just cause or excuse.

127. Defendants' intentional and reckless conduct was the direct cause of Rix's severe emotional distress.

Count Eight: Negligent Infliction of Emotional Distress (against Polsinelli)

128. Plaintiff incorporates the paragraphs above as though copied verbatim herein.

129. Polsinelli had a duty to maintain a work environment in which Rix could work free of harassment, humiliation, and hostility.

130. Polsinelli, in failing to adequately consider, investigate and resolve Rix's complaints of harassment, and subjecting her to wrongful retaliation by termination, is in negligent breach of this duty and is directly responsible for Rix's emotional distress.

VI.
DEMAND FOR JURY TRIAL

131. Plaintiff hereby demands a trial by jury on all issues of fact to which she is entitled to a jury trial in this action.

VII.
PRAYER

For the foregoing reasons, Plaintiff requests that the Court enter judgment in her favor and an award of damages of not less than \$20 million, including but not limited to:

- a. Compensatory damages, including for emotional distress, suffering, inconvenience, mental anguish, reputational harm, loss of enjoyment of life, and special damages in an amount to be determined at trial;
- b. Equitable relief, front pay, back pay, taking into account all raises and benefits to which Plaintiff would have been entitled, with prejudgment interest, in an amount to be determined at trial;
- c. Punitive damages in an amount to be determined at trial;
- d. Liquidated damages;
- e. Attorneys' fees and costs;
- f. Costs of court.

Dated: September 14, 2023

Respectfully submitted,

By: /s/ Robert H. Cox

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