

## **Sexual Harassment & Employment Discrimination Practice**

Quinn Emanuel is the only major AmLaw 100 firm with a practice group focusing on the representation of victims and plaintiffs in sexual harassment and employment discrimination cases. We have also historically represented and continue to represent defendants in these types of cases. In addition, we have been retained to conduct internal investigations of sexual harassment and discrimination allegations.

The firm is particularly well-positioned for this type of work. It is the largest litigation firm in the world and has extensive experience in plaintiff-side and employment litigation. The firm has obtained five 9-figure jury verdicts, thirty-four 9-figure settlements, and fifteen 10-figure settlements. We have won more than \$60 billion in judgments and settlements. The firm has been repeatedly recognized as one of the “Fearsome Foursome” of firms that in-house counsel least wants to face in litigation. We have extensive litigation experience in industries such as banking, advertising, finance, fashion and entertainment, where sexual harassment and discrimination claims frequently arise.

The Sexual Harassment & Employment Discrimination Practice Group includes several former federal and state prosecutors, the former global head of Human Resources at a major bank, and lawyers who specialize in plaintiffs’ litigation and employment litigation. These skilled trial lawyers know how to investigate allegations and develop the evidentiary record necessary to build a winning case. Because of our trial record, we can obtain settlements that other firms cannot.

We have represented employers in more than eight hundred sexual harassment, race discrimination, and retaliation cases, including financial and educational institutions, Fortune 500 companies, and other large organizations. While many of these representations are confidential, there are a few exceptions, including our representation of the University of Southern California in the *Tyndall* sexual abuse matter. Our deep defense-side experience gives us unique advantages, including that we can anticipate arguments and defenses that may be employed by defendants, and craft an effective strategy. It also gives us credibility with defense lawyers.

And so does our experience with internal investigations in this field. Our partners have extensive experience handling highly sensitive internal investigations involving a wide variety of alleged misconduct. We have conducted internal investigations of alleged discrimination in a consumer-facing company, an internal Diversity, Equity & Inclusion investigation for a Fortune 500 company, and an internal investigation of the religious community, People of Praise, where a Quinn Emanuel team conducted nearly two dozen interviews in a matter of weeks before reporting back with findings and recommendations on next steps. The team, as with other matters the firm has handled, also devised media strategy to deal with public scrutiny, leveraging the experience of our Crisis Law & Strategy. In fact, that group has assisted numerous institutions by recommending diversity initiatives, compliance programs, and by creating and implementing national programs to investigate harassment.

Finally, we represent clients in shareholder derivative suits. These suits may involve, for example, claims against a board of directors based on its failure to act after learning about an employee’s complaints of sexual harassment, or for approving settlements with victims of sexual harassment or

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discrimination inconsistent with its fiduciary duties. Securities fraud claims can also be based on allegations that the company made material misstatements or omissions regarding sexual harassment that affected its stock price.

## RECENT REPRESENTATIONS

### FOR PLAINTIFFS:

- We represent **two shareholders** in an action against L Brands, the parent company of Victoria's Secret, related to the company's toxic culture of misogyny and harassment. Pursuant to the agreed-on settlement, the company will commit to a \$90 million fund to implement significant corporate reforms, including the (i) maintenance of a Diversity, Equity and Inclusion ("DEI") Council; (ii) the revamping of policies and procedures on sexual harassment, anti-retaliation, and reporting and investigating sexual harassment complaints; (iii) the hiring of a DEI consultant; (iv) the elimination of Non-Disclosure Agreements (NDAs) and an agreement not to enforce past NDAs; and (v) increased training and oversight of outside contractors, including photographers.
- We represent **dozens of major companies** in submitting an amicus brief to the U.S. Supreme Court arguing that Title VII's prohibition on discrimination against of employees "because of ... sex" includes a prohibition on discrimination based on sexual orientation and gender identity.
- We represent **a proposed class of current and former fashion models** bringing suit against their modeling agencies. The proposed class is asserting claims that (i) the agencies denied the models the protections of the New York Labor Law by misclassifying them as independent contractors and (ii) the agencies breached the models' contracts by failing to pay them all amounts due thereunder.
- We represented **a female executive** at a well-known sports-oriented company who had worked her way up the corporate ladder at her company to become one of only two female executives in the company, receiving rave reviews for her work. Unfortunately, she was subjected to a "boys club" atmosphere of improper sexual overtures, drinking and drugs in addition to being given all the demeaning jobs at the company's sports events. Within three weeks, we negotiated a \$5 million dollar settlement for our client.
- We represented **a female plaintiff** in an employment case involving race discrimination, sexual harassment and retaliation. In 2010, after she was fired by her employer, Empire City Casino at Yonkers Raceway, she filed a complaint with EEOC, received her right to sue letter, and then filed suit pro se in April 2011 for race discrimination, sexual harassment and retaliation, in violation of Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000). Plaintiff kept her case alive for nearly two years in federal court until case was referred to Quinn Emanuel in March 2013. Near the end of the discovery process, we were able to achieve a favorable settlement for our client.
- We won asylum in the United States for **a young Ecuadorian woman** who fled her home country after her partner attempted to murder her. The client's partner subjected her to extreme persecution and torture over the span of a decade. When

she finally attempted to elicit police intervention, her complaints were ignored and the violence escalated, ultimately leading to an attempt on her life. Quinn Emanuel demonstrated to the trial court that Ecuador could not protect the client. The strength of the firm's advocacy resulted in the government conceding the case and waiving the right of appeal.

- We represented a **plaintiff** who had alleged wrongful termination and retaliation claims against a former employer for racial and disability discrimination under federal, state, and local law. The case settled on favorable terms for our client following the close of discovery.
- We represented a **probationary employee at the New York City Office of Chief Medical Examiner** who was terminated from her position because of her obligations as a military reservist. Despite advising her supervisors of her reserve obligations when she was hired, our client experienced hostility and then was terminated just before her probationary period expired because of her reserve obligations. Service members are protected from this sort of discrimination by the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), a statute that operates much like Title VII. The client had been representing herself (quite ably) through summary judgment prior to our involvement. She successfully resisted summary judgment, although in his order denying summary judgment, Judge Broderick wrote "there's sufficient evidence, albeit perhaps barely so" to avoid summary judgment. And there was also evidence that the client's job performance was lacking and that she was often late and insubordinate. On top of this, as a probationary employee, her salary was not high and her claims were for backpay assuming she would become a full time employee. We started our representation advising our client during a court-mandated mediation, but the parties were unable to reach agreement, with the City only offering a nominal amount, and we began to prepare for trial. The court granted our request for leave to take three limited depositions of potential witnesses and, after the depositions, the City's offer rose. We recently finalized a settlement with the City that was eight times the initial offer.
- We represented a **plaintiff** alleging discrimination on the basis of his sexual orientation in violation of the New York City Human Rights Law by a large investment bank. After the close of discovery, we procured a favorable settlement for our client.
- We represented a **female executive** who endured years of an "Animal House" work culture, suffering discrimination, harassment, demotion, and constructive discharge due to her gender, her pregnancy, and her status as a mother. We successfully negotiated a favorable pre-litigation settlement by preparing and presenting a complaint that thoroughly detailed the "boys club" atmosphere at the company, leaving little room for denials by the company and its executives.
- We defended a **young woman** against suit by a wealthy and powerful foreign prince, who alleged our client defamed him by blogging about how he had sexually abused her while she was a teenager in Nigeria. Our team convinced the judge to dismiss most of the case on an Anti-SLAPP motion, obtained an award of attorney's fees, and created new precedent protecting the rights of victims who speak out against sexual abuse. Facing a renewed Anti-SLAPP motion by QE and our client, the plaintiff stipulated to dismiss with prejudice what remained of the case.

## FOR DEFENDANTS:

- We represented **Silicon Valley billionaire and VC tech titan Michael Goguen** as a defendant in a lawsuit seeking \$100 million based on Goguen's alleged interference with a contract between his former lover (Amber Baptiste) and her attorney (Rivers Morrell). In 2014, Baptiste and Morrell defrauded and extorted Goguen into signing a \$40 million "settlement agreement" under threats of destroying his life with terrible lies claiming rape, STD infections, pedophilia, and more. In 2016, after Goguen refused to make payment on the extorted agreement, Baptiste sued Goguen to collect the \$40 million. In 2019, we obtained a full trial victory on behalf of Goguen against Baptiste, with the court declaring the "settlement agreement" void as procured by fraud and extortion. Meanwhile, Morrell had also sued Goguen in 2016, though for \$100 million, claiming that he legitimately represented Baptiste against Goguen in 2014 and thus was entitled to the \$10 million contingency fee (plus \$90 million in punitive damages) he would have earned had Baptiste not fired him just before entering into the extorted settlement agreement with Goguen. In January 2022, the court threw out Morrell's entire case on a demurrer, leaving Goguen's cross-complaint against Morrell.
- We represent **professional sports teams** in defending lawsuits alleging discrimination, harassment, retaliation.
- We represented **the University of Southern California** in connection with the sex abuse perpetrated by Dr. George Tyndall. That litigation involved more than 500 plaintiffs and approximately 16,000 putative class members. Among other things, we devised a strategy to navigate the legal and PR landscape, including reaching an early and favorable class action settlement, providing wide-ranging relief to those impacted.
- We represented **GCA Advisors** in connection with a termination of a female employee, who alleged sexual harassment and wrongful discharge. We obtained a very favorable settlement for our client, that was a fraction of the plaintiff's demand.
- We represented **Roger Ailes**, the founder and CEO of Fox News, and his estate in matters related to his departure from Fox News following numerous allegations of misconduct. The allegations captured the media's attention and case developments became instant breaking news. In this intense media spotlight, our team quickly devised a strategy to navigate the legal and PR landscape. With one of the world's leading media experts deciding to rely on us to handle all aspects of communication, we negotiated a fair agreement within days and have worked cooperatively with Twenty First Century Fox to address all pending matters, handling all communications as well as litigation and arbitration
- We represented **IHOP** in a sexual harassment and wrongful discharge action. The plaintiff was an employee of an IHOP franchise and sued the franchise and the parent company for sexual harassment. On the eve of trial, the lawyer representing the defendants realized he had a conflict, as he could not represent both the franchise and the parent company. We subbed-in to represent the parent and argue that, even if franchise was liable, the parent company should not be liable under agency principles. The case went to trial and the jury returned a complete defense verdict.

- We represented **William Morris Endeavor** talent agency against claims of harassment and battery and successfully defended the agency.
- We won two separate trials in Orange County Superior Court for a **billionaire technology entrepreneur** accused of retaliating against and wrongfully terminating his estate manager after she complained about his conduct.
- We won a defense verdict following a six-week jury trial in San Francisco Superior Court on behalf of **investment bank Jefferies & Co.** in which the plaintiff, a highly compensated investment banker, alleged harassment, discrimination, and wrongful termination. The verdict was nominated for "Verdict of the Month" by The National Law Journal.

#### INTERNAL INVESTIGATIONS:

- We were retained to conduct an internal investigation of the religious community, **People of Praise**. We conducted nearly two dozen interviews in a matter of weeks before reporting back with findings and recommendations on next steps.
- We have conducted numerous internal investigations on behalf of **the Audit and Special Board Committees various public companies**, including Lam Research, where its former CEO was accused of harassment and misconduct.
- We conducted an internal investigation of alleged racial discrimination as well as the broader diversity, equity, and inclusion climate in a **consumer-facing company** and presented findings and recommendations to the Board.
- We conducted an internal investigation to evaluate the climate for diversity, equity and inclusion for a **Fortune 500 company** and recommended a suite of initiatives to improve performance and mitigate legal risk.