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SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN DIEGO

TRACY WARREN, on behalf of herself and all others similarly situated, Plaintiff, v. OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C, CHARLES MATTHEW KEEN, KIM FRANKLIN EBERT, RONALD CHAPMAN, JOSEPH CLEES, and JOSEPH BEACHBOARD. Defendants.	**Case No.:** **COMPLAINT FOR PENALTIES AND INJUNCTIVE RELIEF** **DEMAND FOR JURY TRIAL**

Plaintiff Tracy Warren is an attorney and former shareholder employed by Ogletree, Deakins, Nash, Smoak & Stewart, P.C. ("Ogletree," or "the Firm"). On behalf of herself and current and former female attorneys employed in California at Ogletree, Plaintiff brings this action pursuant to the California Labor Code Private Attorneys General Act of 2004 ("PAGA"). Plaintiff alleges Ogletree engaged in violations of the Labor Code as described below. These violations apply to Plaintiff and other similarly aggrieved current and former female attorneys employed by Ogletree:

I. INTRODUCTION

1. Defendant Ogletree is one of the largest defense-side labor and employment law firms in the country, employing nearly 700 attorneys in the United States. Ogletree defends employers against individual and class action employment lawsuits, including discrimination actions. Ogletree also advises employers on how to avoid discrimination suits.

2. According to its website, Ogletree advises clients on compliance with federal and state employment laws in order "to provide a positive workplace…." For its own part, Ogletree claims to be "committed to diversity," which it says "makes us better—as lawyers and people." It purports to "foster diversity and inclusion as an integral part of the firm's overall professional development efforts." But this rhetoric is largely hollow. In reality, the Firm has shirked its obligations under the law through its "do as I say not as I do" practices. On information and belief, when a female shareholder asked the Managing Shareholder of the Firm, Defendant Matt Keen, about the Firm's response to gender discrimination complaints made by female employees, he explained: "we're not real good at practicing what we preach."

3. Ogletree's female attorneys face discrimination in pay and promotions, and suffer other unequal treatment in the terms and conditions of their employment. Male shareholders are disproportionately over-represented at every level of the Firm's management and leadership structure. Through formal policies and widespread practices, the Firm's male leadership interferes with, limits, or prevents female attorneys from receiving the appropriate credit for the business they bring to the Firm and their hard work in running complex and demanding cases day-to-day. All the while, their male colleagues reap the professional and financial profits that women generate.

4. The Firm, dominated by male decision makers, also denies female shareholders the same business development and training opportunities provided to their male counterparts. Female shareholders

are not selected for business pitches at the same rate as similarly situated, and in some cases less qualified, male attorneys. Through these practices, the Firm systematically overlooks, devalues, or undermines female attorneys as business generators, which adversely impacts their pay and promotion.

5. Plaintiff brings this representative action against Ogletree, as well as five individual Defendants. Though the five individual Defendants work out of different Ogletree offices and reside in different states, they have been vested with centralized authority and power to make decisions regarding compensation, promotion, credit allocation, and business development opportunities for Ogletree's female attorneys throughout the nation, including in California.

6. In addition, Plaintiff brings this action for retaliation that she suffered for persistently complaining about and seeking to address Ogletree's unlawful discriminatory practices.

II. JURISDICTION AND VENUE

7. This court has jurisdiction over Plaintiff's claims pursuant to PAGA. Plaintiff has exhausted her administrative remedies under PAGA.

8. Venue is proper because Plaintiff is a California resident and at all relevant times worked as an attorney for Ogletree as part of its San Diego, California office. At all times mentioned in this complaint, Plaintiff was under the supervision and control of Ogletree.

III. THE PARTIES

A. Plaintiff Tracy Warren

9. Plaintiff Tracy Warren ("Plaintiff Warren" or "Ms. Warren" or "Class Representative") is a female attorney and was previously an equity shareholder in Ogletree's San Diego offices. Ms. Warren is a California resident and a natural person.

10. Plaintiff Warren was employed by Ogletree from approximately August 2013 until January 2018, when she was terminated in retaliation for engaging in protected activity under the Labor Code.

B. Defendant Ogletree

11. Defendant Ogletree is a law firm with approximately 48 offices nationwide, in approximately 28 states, including 7 in California. Ogletree employs over 100 attorneys in California.

12. During all times Plaintiff was working for Ogletree, Ogletree was Plaintiff's employer within the meaning of the California Labor Code and all applicable law.

C. Defendant Charles Matthew Keen

13. Defendant Charles Matthew Keen ("Defendant Keen" or "Mr. Keen") is a male attorney in Ogletree's Raleigh, North Carolina office and has been Ogletree's Managing Shareholder since approximately February 2016.

14. Defendant Keen has been employed by Ogletree since approximately 1987 and has been a member of Ogletree's Board of Directors since approximately 2010.

D. Defendant Kim Franklin Ebert

15. Defendant Kim Franklin Ebert ("Defendant Ebert" or "Mr. Ebert") is a male attorney in Ogletree's Indianapolis, Indiana office and was Ogletree's Managing Shareholder from approximately 2010 until approximately February 2016.

16. Defendant Ebert has been employed by Ogletree since approximately 2000 and was a member of Ogletree's Board of Directors from approximately 2006 until approximately February 2016.

E. Defendant Ronald Chapman

17. Defendant Ronald Chapman ("Defendant Chapman" or "Mr. Chapman") is a male attorney in Ogletree's Dallas, Texas office. Mr. Chapman is an equity shareholder. Mr. Chapman was a member of Ogletree's Board of Directors from approximately January 2012 until stepping down in 2018, shortly after this case was initially filed.

18. Defendant Chapman has been employed by Ogletree since approximately 2000.

F. Defendant Joseph Clees

19. Defendant Joseph Clees ("Defendant Clees" or "Mr. Clees") is a male attorney in Ogletree's Phoenix, Arizona office. Mr. Clees is an equity shareholder. Mr. Clees was a member of Ogletree's Board of Directors from approximately January 2017 until stepping down in 2018.

20. Defendant Clees has been employed by Ogletree since approximately 2005.

G. Defendant Joseph Beachboard

21. Joseph Beachboard ("Defendant Beachboard" or "Mr. Beachboard") is a male attorney in Ogletree's Torrance, California office. Mr. Beachboard is currently one of Ogletree's Co-Managing Directors, and has oversight of all of Ogletree's California offices.

22. Defendant Beachboard has been employed by Ogletree since approximately 2001. Prior to becoming a member of Ogletree's Board of Directors and Managing Director in February 2016, Defendant Beachboard was a Client Services Shareholder.

IV. FACTUAL ALLEGATIONS

23. Plaintiff Tracy Warren worked as an equity shareholder in Ogletree's San Diego La Jolla office, then relocated to Regus office space in downtown San Diego.

24. Ms. Warren received her B.A., *magna cum laude*, from the College of New Jersey in 1987 where she was an Academic and Athletic All American on an NCAA national championship team. She earned her Masters of Journalism, *cum laude*, from Temple University in 1989. Ms. Warren then began a career in sports broadcasting, which included broadcasting at the Olympic summer games in Sydney, Australia for NBC Sports. She also won an Emmy for her feature "Marketing Michael Jordan." Ms. Warren received her J.D. from the University of Notre Dame School of Law in 1999 and was admitted to the New Jersey State Bar in 1999, the Maryland State Bar in 2000, and the California State Bar in 2003.

25. Since law school, Ms. Warren has worked exclusively in employment law at national and regional firms. Prior to joining Ogletree, Ms. Warren worked at Seltzer Caplan McMahon Vitek in San Diego for 7 years, and became a shareholder.

26. In August 2013, after gaining fourteen years of employment law experience, Ms. Warren brought her strong reputation to Ogletree as the only female equity shareholder in the San Diego office. As part of her practice at Ogletree, Ms. Warren conducted workplace investigations and counseled businesses on matters involving sexual harassment, discrimination, and fraud. She also led numerous webinars and employment presentations locally and nationally, an accomplishment achieved through her own business development efforts.

27. Plaintiff brings this representative PAGA action on behalf of all current and former female attorneys in California who work or have worked for Ogletree. Ogletree's common policies and practices have been used to discriminate against women in every Ogletree office in the country, including those employed in Ogletree's California offices. Plaintiff's allegations demonstrate Ogletree's pattern of misconduct, in which a small number of male shareholders exploited their oversized influence in the Firm to uniformly hold back the pay, promotion, credit allocation, and business development of women while

promoting and advancing the interests of men.

28. The development of the Firm's common policies and practices of discrimination was an effort coordinated by Ogletree's male leadership, and implemented through the funneling of business opportunities, credits, and authority to male shareholders. As a result, Ogletree's female attorneys earn less compensation for performing equivalent work.

A. Ogletree's Male-Dominated Leadership

29. Men dominate Ogletree's leadership and management. At the time Ms. Warren left, women held only two of nine seats on Ogletree's Board of Directors and two of six Firm Officer positions, and one of these two officer positions had been added as recently as December 2017. Compensation decisions at Ogletree are centrally controlled by its Compensation Committee, which is comprised predominantly of male members.

30. Defendant Clees has been a member of the Ogletree Compensation Committee, and Defendant Chapman heavily influences compensation decisions. The Compensation Committee decides the proposed compensation for all shareholders with minimal transparency. All shareholder compensation is then voted on by Ogletree's equity shareholders, approximately 80% of whom are men.

31. Ogletree discriminates against women by permitting its predominantly male leadership to overtly favor men in pay, promotions, and other opportunities regardless of their qualifications and to otherwise discriminate against women. Women hold approximately 20% of equity shareholder positions, and approximately 43% of non-equity shareholder positions. Ogletree leadership fosters or condones a Firm culture that marginalizes, demeans, and undervalues women.

32. On information and belief, the overrepresentation of men in Ogletree's leadership is both the source and product of continuing systemic discrimination against female shareholders.

33. Ogletree's leadership is aware of the Firm's inequitable pay, promotion, job assignment, and other practices, but has taken no meaningful steps to remedy the root causes of the disparity. Ogletree is aware of the demographics of its workforce, including the underrepresentation of women at the shareholder level and among firm management.

34. Ogletree, one of the nation's largest employment law firms, regularly advises companies on how to comply with pay equity laws and to avoid, investigate, and remedy sexual harassment and

discrimination claims. Ogletree has been aware of its own misconduct for years, but the Firm has failed to rectify the discrimination and has actively sought to avoid the changes necessary to comply with the law.

35. Ogletree discriminates against Plaintiffs and female shareholders with respect to compensation and promotions through the use of common policies and procedures.

B. Ogletree's Equity and Non-Equity Shareholder Compensation Policies

36. Ogletree's shareholders are divided into two groups: equity shareholders and non-equity shareholders. On information and belief, Ogletree's Shareholder Agreement refers to all equity and non-equity shareholders who work for Ogletree in the United States as "employees." Ogletree also states that all equity and non-equity shareholders' compensation is based on salary.

37. The Firm uses the equity and non-equity tiers to distribute compensation. These tiers allow predominately male attorneys to rely on arbitrary, subjective criteria to deny female shareholders promotions, equity status, pay, and compensation commensurate with their skill, experience, and contributions to the Firm.

38. In order to be brought into the Firm at, or promoted to, shareholder level, attorneys must be recommended by Ogletree's predominantly male Board of Directors and local shareholders, then receive 75% of Ogletree's equity shareholders' votes. Ogletree's equity shareholders are approximately 80% men.

39. This male-dominated system makes it extremely difficult for female non-equity shareholders to be promoted and paid at the same levels as equity shareholders, although they perform substantially similar work. Indeed, Ogletree's equity and non-equity positions are identical except for the pay and power the Firm gives them.

40. Ogletree's Equity and Non-Equity Shareholders policy explains that, among equity and non-equity shareholders, "Basically the only differences are the method of compensation (floating based on firm profits for Equity vs. level for Non-Equity) and the fact that Equity shareholders vote on firm-wide decisions." The policy also states that "Expectations for both Equity and Non-Equity shareholders are the same with regard to technical and professional qualifications, experience, personal effort, managing and developing associates and staff, and contributions to the Firm as a whole."

41. Although equity and non-equity shareholders perform substantially similar work, they are compensated differently. Ogletree pays its predominantly-male equity shareholders monthly profit-sharing distributions, which can increase their target compensation by up to 40%.

42. Ogletree routinely refuses to elevate qualified female non-equity shareholders to equity shareholder status, even when they generate business that meets or exceeds the criteria and expectations for equity shareholders. At the same time, the Firm has eased business generation requirements in order to bestow equity status on favored male attorneys. These policies disparately impact Ogletree's female non-equity shareholders.

C. Ogletree's Discriminatory Credit Allocation and Compensation Policies

43. Compensation decisions at Ogletree are centrally controlled by the Firm's Compensation Committee, which, until recently, had no more than one woman among its five members. The 2018 Compensation Committee, for the first time, had two women on it. From 2013 to 2018, only a single woman sat on the Compensation Committee—before that, the Compensation Committee was comprised solely of men.

44. In the compensation-setting process, Ogletree's shareholders receive credit for their work in five main categories: originating credits, managing credits, responsible credits, working credits, and billable hours. Ogletree's Origination Credit Principles policy states that, "The originating, managing, responsible and working attorney statistics should be utilized as a source of objective information for the Compensation Committee to make subjective judgments about shareholder compensation. A formula is strongly disfavored."

45. This subjectivity allows the Firm's male leadership to control all compensation at the Firm and results in discrimination against female attorneys. On average, Ogletree paid its male shareholders approximately $110,000 more than its female shareholders in 2017 target compensation and discretionary bonuses alone.

46. Ogletree defines an *originating attorney* as, "The attorney(s) bringing the client to the Firm for legal representation. In some cases, origination credit for a matter may be divided among several attorneys." In practice, whichever attorney establishes the Firm's initial relationship with a potential client is considered the originating attorney for all of that client's business over the entire course of the client's

relationship with the Firm. The originating attorney has total discretion to allocate origination credits in perpetuity. Only once an attorney seeks redress through the appeals process can the Firm's Managing Shareholder overturn the originating attorney's decision.

47. In practice, the Firm's Managing Shareholder rubber stamps the allocations made by predominantly-male originating attorneys. Male attorneys, who disproportionately control decision-making authority, disproportionately assign and hand down origination credits to other male attorneys. This allows male attorneys to receive an inordinate number of origination credits and allocate other credits to male attorneys even when female attorneys bring the relevant business to the Firm. The Firm's discriminatory practices have caused a substantial gender-based disparity in origination credits throughout the Firm—between 2014 and 2016, the average amount of origination credits for male shareholders was nearly *double* that of female shareholders.

48. Ogletree defines the *managing attorney* as, "The attorney responsible for overall management of the work, and relationship with the Firm, pertaining to a particular client. This may include billing responsibilities." According to this policy, managing attorneys are generally the attorneys in charge of communicating with clients and managing their expectations.

49. Ogletree weighs origination and, to a lesser extent, managing credits heavily in making compensation decisions, while responsible attorney and working credits have very little impact on compensation.

50. By Firm practice, originating attorneys have been given the discretion to distribute origination, managing, responsible, and working credits in an arbitrary, subjective, or biased manner. The Firm allows originating attorneys to choose which attorneys will share origination credits and which will receive managing credits on that matter. Originating and managing attorneys then direct responsible and working attorneys to do the actual work on a matter. As a result, predominantly male managing and originating shareholders receive a disproportionate amount of the meaningful credit and compensation.

51. Ogletree defines the *responsible attorney* as, "The attorney responsible for coordination management, strategic planning, staffing and overall success in the Firm's handling of a *particular matter*." (emphasis added).

52. The operative distinction between a managing attorney, who receives managing credit, and

a responsible attorney, who receives responsible credit, is that the managing attorney purportedly manages the *client relationship* while the responsible attorney is responsible for the overall success of the *matter*.

53. Ogletree defines a *working attorney* as, "the attorney who is working on the case." Billable hours, responsible credits, and working credits are the most objective metrics that are considered in compensation decisions, but have the least impact on compensation. Consequently, the compensation rubric is stacked in a way that favors male attorneys.

54. Female attorneys are disproportionately assigned to be responsible or working attorneys, as opposed to originating or managing attorneys. This is the case even when female attorneys handle all of the tasks that are supposed to be completed by managing attorneys and for which managing attorneys receive credit—including client contact and performing or managing the bulk of the actual work, in addition to handling other aspects of a matter. Female attorneys designated as responsible or working attorneys are also frequently charged with billing and collection or preparing status reports for originating and managing attorneys who are unfamiliar with that matter, so those attorneys can communicate knowledgeably with the client.

55. Ogletree's policies and practices routinely resulted in lesser pay for women. Ogletree knew about these pay disparities but refused to address them. For example, in or about January 2017, after the latest annual compensation recommendations were announced, a large number of female shareholders met to discuss pay equity and raised the issue to Ogletree Deakins' Women's Initiative ("ODWIN"). When female shareholders proposed asking that that the Board of Directors conduct a pay equity audit, the head of ODWIN explained that there was nothing she could do. Indeed, she conveyed that the Board closed off discussion by labeling the female shareholders who had been complaining of pay disparities as "crazy."

56. Nevertheless, multiple female shareholders continued to complain about compensation and provide examples regarding the unfair allocation of credits. In response, the Firm announced a process to appeal origination disputes—creating the façade that aggrieved shareholders could contest an originating attorney's allocations. On information and belief, while setting up this appeal process, Defendant Chapman, the highest paid male shareholder in the Firm—who benefits financially from Ogletree's discriminatory practices—announced to the other newly-appointed members of the credit appeal process, "We need to make it really hard to use because we don't want people to use it."

57. Ogletree, through its male leadership, has created and maintained a discriminatory compensation system that systematically undercompensates women and makes recourse inaccessible or impossible.

D. Ogletree's Discriminatory Promotion Policies

58. Ogletree's promotion policies and practices have created a glaring gender disparity in seniority at the Firm. Because the Firm does not promote women at rates equal, or even close, to those of similarly situated men, the representation of women continues at a progressively lower percentage through each tier of the Firm as title and compensation rise.

59. For example, at the time Plaintiff Warren left Ogletree, women represented approximately 58% of Ogletree's associates, but only about 32% of Ogletree's shareholders. Of Ogletree's non-equity shareholders, only approximately 43% were women. Of Ogletree's equity shareholders, only approximately 20% were women.

60. In order to maintain control over the Firm and shareholder compensation, Ogletree's male-dominated leadership maintains moving targets for non-equity shareholders pursuing promotion to equity status.

61. Ogletree's Equity and Non-Equity Shareholders policy sets forth the criteria for promotion to equity shareholder status: $750,000 in origination credits, $750,000 in management credits, $500,000 in working credits, at least 1,800 billed hours per year, and at least 200 "Firm hours." The Firm frequently requires non-equity female shareholders to meet these thresholds for three consecutive years prior to promotion.

62. In contrast, there are numerous examples in which Ogletree has promoted men who have failed to meet these criteria. In 2017 alone, Kevin Bland (Orange County, CA), Greg Cheng (San Francisco, CA), William Duda (Columbia, SC), Bernhard Mueller (Columbia, SC) and Scott Kelly (Birmingham, AL) were promoted to equity shareholder without meeting the promotion criteria for three consecutive years. Ogletree maintained Keith Watts' equity shareholder status despite Mr. Watts not sustaining the criteria for three consecutive years.

63. One flagrant example of such selective promotion is Los Angeles male equity shareholder Evan Moses, whom Defendant Ebert, the Managing Shareholder of the Firm at the time, conceded in an

open partnership meeting did not come close to meeting the criteria. Nevertheless, the Firm made an exception because of his (grossly inflated) managing numbers. Male equity shareholders Keith Watts and Vincent Verde were promoted under similar circumstances.

64. In contrast, Ogletree promoted only one woman to the equity shareholder tier for 2017, while promoting seven men to the equity tier for the same year. This female shareholder had met every criterion for three years, a standard the Firm did not require of men.

65. The Firm's discriminatory credit allocation system makes meeting the origination criteria for promotion very difficult for female non-equity shareholders to achieve, thereby creating a strong barrier to women's advancement within the Firm.

66. In contrast, the Firm distributes origination credit so that male shareholders receive credits without doing the legwork to earn them. The Firm also enables Board members who seek origination credit for a matter to determine which attorneys achieve what portion of origination credits. Likewise, the Firm eases these requirements for favored male attorneys who, despite receiving disproportionately high credit allocations, have still failed to meet these origination thresholds.

67. This system discriminates against and disparately impacts women by denying them promotions and promoting them less often and more slowly than equally or less qualified men. This impact is apparent in the dwindling proportion of women at each successive level of Ogletree's hierarchy.

68. Both Defendants Chapman and Clees billed less than one thousand hours per year each of the last three years. They are able to single handedly represent the Firm on client pitches (even pitches for clients already secured by female shareholders) without being accountable for billed hours. Despite not bringing in the business on these pitches, both Defendants Chapman and Clees lay claim to these clients, expect origination when a female shareholder is successful in landing the client, and expect to receive the bulk of available origination credits while giving women the minority share. Women who contest this male-dominated origination credit delegation are further ostracized and marginalized.

E. Ogletree's Discriminatory Business Development and Job Assignment Practices

69. Female shareholders throughout the Firm are required to assume administrative duties such as office management, paralegal supervision and training, and event planning. These administrative, or "housekeeping," duties take substantial amounts of time from female shareholders, while male

shareholders are freed from these tasks. Instead, the Firm permits male attorneys to devote their time to business development efforts, which Ogletree values highly and substantially rewards, particularly through compensation.

70. The Firm also requires female shareholders to perform the bulk of the actual legal work on its cases as the "responsible" or "working" attorneys, including client communications, legal research, developing case strategies, managing work, writing legal documents, and the countless granular tasks involved with litigation. "Responsible" and "working" credits, however, do not meaningfully affect shareholders' compensation, which is driven by origination and managing credits.

71. Thus, while female shareholders are disproportionately consumed with casework and administrative tasks that do not affect their compensation, they are prevented from engaging in business development activities. In contrast, their male colleagues are afforded the time and availability to pursue business development efforts and are rewarded for doing so.

72. Female shareholders at Ogletree typically draft briefs, supervise younger lawyers and non-lawyer staff, and handle a broad range of client demands. In contrast, the Firm selects male shareholders for pitch meetings, conferences, and other business development opportunities that enable those male shareholders to reap origination credit, management credit, and other compensation that is disproportionate to their contributions.

73. The result is that female shareholders at Ogletree primarily receive responsible and working credit for their work, while male shareholders disproportionately receive origination and managing credit. Because Ogletree places exponentially more value on origination and managing credit in its compensation-setting process, the Firm is able to systematically and discriminatorily pay female shareholders less despite their more extensive duties and responsibilties.

74. The Firm is also well aware of the disparate impact of its inequitable assignment of administrative roles to female shareholders. Ogletree has discriminatorily tasked female shareholders, including Ms. Warren, with handling time-consuming administrative duties, which substantially decreases the amount of time they have to perform billable work and grow their books of business.

75. Male shareholders, in contrast, rarely handle administrative tasks, while Ogletree actively provides them with business development opportunities from which women are excluded, such as pitches,

conferences, awards ceremonies, networking events, and other occasions for professional growth. When male attorneys meet potential clients, the male attorneys frequently demand origination credits despite not bringing the business into Ogletree. If a female attorney later brings the business from that client to Ogletree, the male hierarchy frequently appropriates the origination credits, often times deciding that a discriminatorily low percentage of credit will be allocated to the female attorney. When female shareholders complain about the allocation of origination credits, the Firm's male managing shareholder frequently supports the male shareholder's actions in taking the lion's share or even all of the origination credits, to the female shareholder's disadvantage.

F. Ogletree Discriminated Against Ms. Warren in Pay

76. Ms. Warren performed at equal or higher levels than her male counterparts at Ogletree, but Ogletree paid her less.

77. Despite Ogletree's discrimination and retaliation, Ms. Warren excelled as a shareholder and built a book of business worth approximately $2,000,000. Ms. Warren achieved this without the support that the Firm's male leaders provide to male shareholders. Despite Ms. Warren's high performance, Ogletree consistently paid her less than male shareholders who performed at comparable or lower levels.

78. Ms. Warren joined Ogletree in August 2013. By the end of 2014, Ms. Warren had already earned more than $1,100,000 in origination credits, largely through her own independent efforts and connections. In contrast, at the end of 2014, Evan Moses, a male equity shareholder in the Los Angeles office, earned approximately half of the origination credits of Ms. Warren. Mr. Moses, like other male shareholders, had been shoulder-tapped to receive origination credits by the Firm's old boys' club—in particular Defendant Chapman, Howard Daniel, and Tom Deer.

79. Despite Ms. Warren earning over $500,000 more origination credits than Mr. Moses in 2014, Ogletree paid Ms. Warren approximately $150,000 *less* than him in 2014 and approximately $100,000 less than him in 2015, not including equity shareholder profit distributions.

80. Ms. Warren's experience was not unique. On information and belief, Ogletree consistently overcompensated male shareholders, including Mr. Moses, as compared to female equity shareholders with similar or superior collected origination credits.

81. Ogletree's three highest-paid shareholders are Defendant Chapman, Defendant Clees, and Charles Baldwin, none of whom billed even 1,000 hours in the last four years Ms. Warren was at the Firm. Ms. Warren billed significantly more hours than each of these three male equity shareholders in every full year she was at Ogletree, yet the Firm paid her significantly less.

82. In January 2016, Defendant Keen appointed Defendant Beachboard as the Firm's Co-Managing Director. Defendant Beachboard previously worked in Ogletree's client services department. Ms. Warren earned significantly more compensation credits than Defendant Beachboard in *every category* in *every full year* she was at Ogletree, as depicted in the chart below.

Ms. Warren's Yearly Credit Allocation in Comparison to Mr. Beachboard						
	Origination Credit	Managing Credit	Responsible Credit	Working Credit	Billable Hours	Compensation Target + Bonus
2014	**+$738,000**	**+$1,027,000**	**+$837,000**	**+$618,000**	**+1,556**	**-$275,000**
2015	**+$257,000**	**+$498,000**	**+$568,000**	**+$446,000**	**+1,331**	**-$325,000**
2016	**+$570,000**	**+$1,023,000**	**+$1,123,000**	**+$612,000**	**+1,591**	**-$325,000**

83. From 2014 to 2016, Ms. Warren and other female equity shareholders complained to Firm leadership about the Firm's inequity in pay, opportunities, and origination credit allocation to male shareholders like Mr. Moses and Spencer Skeen, to the exclusion of equally qualified female shareholders who do substantially similar work. On information and belief, Ogletree's Director of Professional Development and Inclusion has known of this pay disparity since at least 2014, yet has not addressed the persistent pay disparity between male and female shareholders at the Firm.

84. On information and belief, members of Ogletree's Board of Directors, including Defendants Chapman, Clees, and Beachboard have been on notice of the Firm's discriminatory pay disparity since at least 2015, including the overcompensation of male equity partners such as Mr. Moses and Mr. Skeen. Defendant Beachboard oversees the San Francisco office, in which only two female shareholders remain, as previous female shareholders have left due to pay inequity. Despite the Firm's notorious pay disparities, Defendants Chapman, Clees, and Beachboard and the other Board members have failed to take any meaningful corrective action.

G. Ogletree Discriminated Against Ms. Warren in Business Development Opportunities

85. In addition to underpaying Ms. Warren and other female shareholders relative to male

shareholders with substantially-similar credits, Ogletree consistently denied Ms. Warren and other female shareholders opportunities to earn equivalent credits in the first place.

86. For instance, on information and belief, male members of Ogletree's Board of Directors knowingly colluded with male shareholders throughout the Firm to ensure that control of the lucrative California Class Action Practice Group remained in the hands of a small group of male shareholders. These shareholders control the vast majority of class action business opportunities, including the allocation of valuable origination and managing credits on such class action business. Under Ogletree's scheme, male powerbrokers have shouldered out several equally-qualified female shareholders who handled class action defense of employment matters. When such female shareholders complained that they were doing the majority of work on cases but not receiving the same origination credits as the male shareholders (or any origination credits at all), the women were told they had to perform the work and to be "team players."

87. On information and belief, the architects of this discriminatory business model include Defendants Chapman, Beachboard, and Clees, as well as Los Angeles shareholder Evan Moses and San Diego shareholder Spencer Skeen, each of whom have financially profited from this discriminatory conduct.

88. Ms. Warren and other female shareholders had to create their own opportunities for business development by marketing themselves and building their own books of business. In contrast, on information and belief, Mr. Moses' and Mr. Skeen's books of business consist of clients with class action work funneled to them by Defendants Chapman, Beachboard, and Clees, and other male shareholders around the Firm as part of the Firm's discriminatory business model.

89. In furtherance of this discriminatory scheme, Ogletree appointed Mr. Moses as chair of the California Class Action Practice Group, while Defendants Chapman, Beachboard, and Clees, continued to funnel millions of dollars of lucrative class action business development opportunities to Mr. Moses, Mr. Skeen, and other male shareholders. This dynamic excluded female shareholders, such as Ms. Warren, who did substantially similar work and who were equally or more qualified than Mr. Moses and Mr. Skeen.

90. Ogletree's discriminatory practice of channeling opportunities to Mr. Moses, Mr. Skeen,

and other male shareholders resulted in credit allocations disproportionately skewed in the favor of men. This in turn resulted in disproportionately higher compensation for Mr. Moses, Mr. Skeen, and other male shareholders as compared to female shareholders who did substantially similar work. For example, Defendants Chapman, Beachboard, and Clees frequently demanded that female non-equity shareholders perform class action work for male shareholders' clients, without receiving the same credits or compensation as Mr. Moses, Mr. Skeen or other male shareholders. On information and belief, Ogletree knowingly implements similar discriminatory patterns and schemes throughout the country that likewise overcompensate male shareholders at the expense of their female peers.

91. On information and belief, since at least 2016, Ogletree's male leadership such as Defendant Chapman have had notice of the dysfunction of the California Class Action Practice Group and the funneling of opportunities to men at the expense of equally qualified female shareholders. The Firm was complicit in and tacitly endorsed this unlawful business model, and has subjected its female shareholders to continued discriminatory practices.

92. Throughout Ms. Warren's time in the San Diego office, Mr. Skeen and Ogletree also discriminated against her and other female attorneys in business development opportunities.

93. Ms. Warren is a former sports broadcaster and provides counsel to several national sports groups. Ogletree never invited Ms. Warren to attend meetings of the Association of Corporate Counsel's sports groups because that development opportunity is controlled by the Firm's boys' club.

H. Ogletree Discriminated Against Ms. Warren in Credit Allocations

94. In addition to stifling Ms. Warren's business development opportunities, Ogletree gave male shareholders credit for her work. Ms. Warren has strong personal and professional relationships with leadership at many large companies, relationships which she utilized to bring these clients to Ogletree. However, Ogletree appointed male shareholders as originating attorneys on these matters because the male shareholders claimed to have had some minor contact with one of the client's employees.

95. For numerous cases on which Ms. Warren worked, Ogletree's leadership and policies enabled male shareholders to allocate origination and managing credits to themselves for work performed by Ms. Warren. These discriminatory credit allocations decreased Ms. Warren's compensation.

96. Ms. Warren is personal friends with the deputy general counsel for one of her clients. In

July 2017, Ms. Warren met with the deputy general counsel and helped secure a new matter for Ogletree. Ms. Warren personally traveled across country to visit with the deputy general counsel and discuss the matter. Ms. Warren provided the deputy general counsel's feedback to two attorneys in the Firm so they could best service the client. A male shareholder, who did not travel to visit with the client, claimed the client was his and that Ms. Warren should not have even spoken to his client. The male shareholder allocated Ms. Warren only 10% of the originations for the new matter. Ms. Warren appealed this allocation; however, Defendant Keen, the Firm's Managing Shareholder, barely adjusted the original allocation, assigning only 25% of the origination credits to Ms. Warren for the matter which she was 100% responsible for originating.

97. Additionally, the San Francisco office managing shareholder, Tom McInerney, battled Ms. Warren for credit for all new matters for one of her California-based clients. Ms. Warren continued to grow the business for the client, opening several new matters. Mr. McInerney had never met either the company's General Counsel or the human resources director of the company. He did not do any work on new matters. However, he refused to relinquish credit to Ms. Warren. As a result, Mr. McInerney maintained his originating credits on all new matters Ms. Warren opened for the client, which negatively influenced her compensation.

I. Ogletree Retaliated Against Ms. Warren for Disclosing, and Participating in an Investigation into, Complaints of Discrimination, Sexual Harassment, and Fraud

98. Ms. Warren complained about and resisted Ogletree's discriminatory policies and practices since at least 2014, and encouraged women to continue to communicate about the pay equity, discrimination, and harassment issues. Ms. Warren also made a point to raise complaints of discrimination and harassment to male leadership. In retaliation, Ms. Warren was subjected to ostracism, exclusion, and termination because of her opposition to the Firm's various discriminatory practices.

99. Ogletree opened its San Diego office in January 2013 with Spencer Skeen as its Managing Shareholder. On information and belief, at least one female associate accused Mr. Skeen of sexual harassment at a prior San Diego law firm in which Mr. Skeen worked. Another former Ogletree associate based in San Diego issued a demand letter complaining of Mr. Skeen's sexual harassment and threatened litigation. The Firm's Board of Directors never apprised its equity shareholders about this threatened

litigation. In addition, on information and belief, the Firm paid for Mr. Skeen's defense in the sexual harassment matter.

100. On information and belief, Mr. Skeen used as his defense counsel a San Diego attorney with whom he previously worked. On information and belief, Ogletree, concerned about further negative publicity, settled the associate's sexual harassment case in a further effort to bury Mr. Skeen's unlawful conduct. On information and belief, that former Ogletree associate was also required to sign a confidentiality agreement as part of the settlement.

101. Numerous female Ogletree shareholders expressed concern about Mr. Skeen's negative reputation, harassment, belittling of women, and his harmful effect on Ogletree's female employees.

102. Despite this, Ogletree hired Mr. Skeen and authorized him to start the Ogletree San Diego office with three men and soon thereafter hire another male associate. Ogletree's male shareholders funneled Mr. Skeen business and he demanded that San Diego associates work on his cases rather than on the cases of female shareholders. Defendant Chapman was instrumental in sending Mr. Skeen disproportionate amounts of business to inflate his numbers.

103. Mr. Skeen also used the power Ogletree gave him to commit billing fraud by billing at his partner rate for tasks that associates performed. For example, then-Ogletree associate Tim Johnson worked closely with Mr. Skeen—in certain time entries, Mr. Johnson or another associate actually performed work for which Mr. Skeen billed Ogletree clients at his own higher rate. In this way, Ogletree was able to collect more money than was actually earned and female shareholders were disadvantaged relative to Mr. Skeen.

104. Moreover, since joining the Firm, Mr. Skeen has discriminated against attorneys on the basis of their gender. Mr. Skeen engaged in a pattern and practice of paying female associates as if they were a class behind their actual law school graduation year. One female associate complained that she wanted to be the salary attributed to her law school class. Mr. Skeen indicated she could not be paid more than a younger male associate—an associate who was a class year *behind* the female associate. On information and belief, Ogletree's Board of Directors, including Defendants Ebert, Keen, Chapman, Clees, and Beachboard, were complicit in this pay inequity.

105. On information and belief, Mr. Skeen's mismanagement of the San Diego office and Ogletree's failure to respond appropriately to the complaints of women made known to the Firm's General

Counsel caused at least six female attorneys to leave the San Diego office, with some choosing to leave the Firm entirely. One female shareholder who joined the San Diego office made it a condition of her employment that she not report to Mr. Skeen, due to Mr. Skeen's reputation for gender harassment and bias in the legal community. The female shareholder reported Mr. Skeen's conduct directly to Defendant Beachboard. The female shareholder also reported that Mr. Skeen's reputation in San Diego was costing the Firm business because several female general counsel would not conduct business with him. Despite these facts, Ogletree continued to retain Mr. Skeen, defend him, and increase his compensation.

106. On May 11, 2015, Mr. Skeen and then-associate Tim Johnson were sued by Tim Anders for malicious prosecution in San Diego Superior Court, North County, Case No. 37-2015-00015583-CU-PN-NC under the case type "professional negligence." That case remains pending as of this filing. Ogletree never demanded Mr. Skeen's resignation as a result of the ongoing litigation. In fact, Ogletree has worked to defend Mr. Skeen and, on information and belief, pay for his defense.

107. In contrast to Mr. Skeen, Ms. Warren joined Ogletree with 14 years of experience throughout nearly all facets of employment defense law. She joined with a strong reputation, which enabled her to independently bring national business to the Firm.

108. Despite this, the Firm discriminated against Ms. Warren in pay, business development, and credit allocations due to her gender. During her entire tenure at Ogletree, *Ms. Warren was never invited on a pitch for a new Firm client*.

1. Ms. Warren Disclosed Information About Discrimination, Harassment, and Fraud to the Firm's Leadership and Participated in a Corresponding Investigation

109. In 2015, soon after Mr. Skeen was sued for malicious prosecution, Ogletree associates complained about Mr. Skeen's behavior. After receiving complaints from several individuals regarding Mr. Skeen's discrimination, sexual harassment, and billing fraud, Ms. Warren reported these matters to the Firm's General Counsel, Chris Mixon, and then-Managing Shareholder, Defendant Ebert. Many women complained that they were afraid Mr. Skeen or the Firm would retaliate against them.

110. Contrary to the employment counsel it provides its client when conducting investigations, Ogletree used only in-house General Counsel Chris Mixon to interview witnesses and conduct the investigation, rather than hiring outside counsel to investigate the complaints against Mr. Skeen. Ogletree

has provided presentations to its clients advising against using in-house counsel to conduct investigations and explaining the risks of doing so. One female shareholder in the San Diego office who specialized in investigations questioned why a national employment law firm like Ogletree would use its in-house counsel Chris Mixon to investigate the San Diego complaints, against standard practice and its own advice to its clients.

111. Prior to the start of Mr. Mixon's investigation, Ms. Warren provided the Firm with a document that included details provided by six female Ogletree attorneys (three shareholders and three associates) and a former female associate in the San Diego office. The document detailed Mr. Skeen's discrimination, harassment, and fraudulent conduct. For example, one female associate reported Mr. Skeen inappropriately touched her leg, propositioned her, and would breathe on the back of her neck while she worked. Another female Ogletree employee had confided in an Ogletree associate that Mr. Skeen would routinely look at her breasts or buttocks while she worked for him. She began wearing more pants and button up tops rather than dresses to avoid his leering.

112. On June 26, 2015, Ms. Warren emailed Mr. Mixon the document, noting "while many of these issues on their face are egregious ethical and/or legal issues, we also realize that the compilation is of serious liability concern to the firm, its culture and the females who comprise the San Diego office." Ms. Warren also provided Mr. Mixon a list of individuals who had additional information, including Mr. Skeen's secretary. On information and belief, Mr. Mixon never interviewed Mr. Skeen's secretary.

113. Mr. Mixon interviewed several individuals in the San Diego office by himself in a conference room. A male shareholder who participated in the investigation, and supported the female attorneys' recounting of facts and events regarding Mr. Skeen's harassing conduct, later stated he felt his confirming Mr. Skeen's discrimination and inequities at Ogletree was dismissed by Mr. Mixon during the investigation.

114. Mr. Mixon discussed Mr. Skeen's billing practices with several attorneys. In fact, a male associate who observed Mr. Johnson's interview explained Mr. Skeen's and Mr. Johnson's fraudulent billing practices to Mr. Mixon. Afterward, the male associate reported that Mr. Mixon's line of investigation questioning followed a narrative that he believed Mr. Mixon wanted to tell on behalf of the Firm. Mr. Mixon even suggested responses to his line of questioning, which led the male associate to

believe the investigation was not intended to objectively gather facts. Instead, he believed the Firm was complicit in the coverup.

115. Other facts that Ms. Warren included in her June 26, 2015 email to Mr. Mixon include, *inter alia,* that Mr. Skeen:

a. "Referred to female associates as 'shiny new toys' when they were hired and said he was only hiring attractive female athletes;"

b. Said "The guys are kicking the girls asses with respect to numbers;"

c. "Threatens to stop giving female associates work if they don't acquiesce to his demands and stop working for female shareholders;"

d. "Does not like when female associates work for [Ms. Warren] or [another female shareholder] and/or contribute to their 'book.' When he finds out, he proceeds to bury the female associate with his work so that she cannot complete the assignment for [Ms. Warren] or [the other female shareholder];"

e. "told [a female shareholder] 'when you talk to [clients], tell them you are relying on what I said, because they won't listen to you because you are a woman;'"

f. Joked about whether "the handling attorneys on [a case involving exotic dancers] conducted 'on site inspections,' insinuating it would have been nice to have that case. When [another shareholder] attempted to change the subject because it was clearly inappropriate, [Mr. Skeen] pushed back and said something to the effect of 'We're employment lawyers, this is what we do. We can get away with this.' The conversation then proceeded to talking about how strippers are basically all whores and the best way to take care of them is to 'knock them off.' Then they talked about the best way to kill a stripper/whore;"

g. "Forces female associates to work and not bill their time;"

h. "Has told staff not to report harassment or intraoffice issues to HR;"

i. Stated "that he would not support firm policies such as reduced hours schedules because 'you never know when she's actually working and so she would not be accountable.' [. . .] he inserted the word 'she';" and

j. Fostered a work environment in which "[a male shareholder] told one female associate that

not billing for her time is 'an unspoken rule.'"

116. Mr. Mixon and the Ogletree Board of Directors willfully ignored the information and facts presented by Ms. Warren and at least eight other Ogletree attorneys. They decided, without the benefit of outside counsel, that Mr. Skeen's conduct did not amount to sexual harassment, and determined that Mr. Skeen and Mr. Johnson did not commit billing fraud. Mr. Keen, together with the Ogletree Board of Directors, were complicit in the coverup of Mr. Skeen's and Mr. Johnson's fraudulent conduct as well as Mr. Skeen's sexual harassment.

117. Following the internal Ogletree investigation, a female associate obtained counsel in preparation to file a sexual harassment complaint against Mr. Skeen and Ogletree. Another female associate, disturbed by Mr. Mixon's investigation, left the Firm to join a competing employment law firm. Ogletree mandated that the female associate sign a release agreement that required confidentiality. Another female shareholder who specialized in workplace investigations, and who contributed to documenting the complaints against Mr. Skeen, also resigned from Ogletree in the months following Mr. Mixon's investigation. This shareholder specifically made Defendant Beachboard aware of Mr. Skeen's unlawful conduct and the impact that the firm's actions were having on its female employees.

2. Ogletree Retaliated Against Ms. Warren by Forcing Her Out of the San Diego Office

118. Instead of taking any meaningful action to address blatant discrimination and sexual harassment, Ogletree lashed out against the messenger—retaliating against Ms. Warren for raising complaints about Mr. Skeen to Ogletree management. In its first wave of retaliation against Ms. Warren, then-Managing Shareholder, Defendant Ebert, in consultation with the male-dominated Board of Directors, expelled her from Ogletree's La Jolla office in retaliation against Ms. Warren's for disclosing, and participating in an investigation into, the allegations of Mr. Skeen's misconduct.

119. On July 14, 2015, Defendant Ebert emailed Ms. Warren "Now that the investigation by Chris Mixon has concluded, I'd like to have a call with you." On July 31, 2015, Defendant Ebert told Ms. Warren that she was being moved to another building away from Ogletree's La Jolla office. On August 3, 2015, Defendant Ebert ordered Ms. Warren to report to a downtown San Diego Regus space, a temporary adjunct office. Ms. Warren told Defendant Ebert that the Firm's retaliatory conduct after she reported Mr. Skeen's ongoing sexual harassment was unlawful.

120. When Ms. Warren arrived at her downtown San Diego Regus office, her computer and phone were not working, the air conditioner malfunctioned, and nearby construction impeded necessary calls to clients and webinar presentations. Another female associate, who had also complained about Mr. Skeen's behavior to Ogletree management, was similarly exiled to the ill-equipped Regus space. In addition, Mr. Skeen's former secretary who had also raised complaints about Mr. Skeen was soon forced to join Ms. Warren in this office. The Ogletree employees at the auxiliary location were not given offices situated together, printers frequently did not work, and the attorneys had to rent space for client meetings. Ms. Warren requested that Ogletree move the team to a more suitable office, but the Firm refused.

121. The Firm ordered Ms. Warren to report to the Managing Shareholder of Ogletree's Orange County office, Keith Watts, who was responsible for discrimination, harassment, and retaliation against Dawn Knepper and numerous other women. Ogletree also excluded Ms. Warren from participating in San Diego client seminars—despite the fact that many of Ms. Warren's clients were based in San Diego. As a result of Ms. Warren's isolation from the San Diego La Jolla office, she had difficulty obtaining associate assistance in the San Diego office.

122. Meanwhile, Mr. Skeen remained the San Diego Managing Shareholder with all the position's privileges and the office's associates at his disposal. At the start of 2016, following the 2015 complaints about Mr. Skeen's harassment, discrimination, and billing fraud, Ogletree awarded Mr. Skeen a raise of approximately $50,000.

123. Defendant Ebert, the then-Managing Shareholder who implemented the Board's decision to isolate Ms. Warren to the Regus space after she complained about Mr. Skeen, also participated in Ms. Warren's 2016 compensation call. Ms. Warren did not receive a raise in 2016.

124. In 2017, Ogletree awarded Mr. Skeen another pay increase and a bonus, such that he was paid approximately over $160,000 more than Ms. Warren in 2017. This sent a clear message; Mr. Skeen was being rewarded and protected while Ms. Warren was being penalized for speaking out.

125. On January 30, 2017, Ms. Warren requested a conversation with members of Ogletree's Compensation Committee to appeal her compensation. Ms. Warren spoke with then-Board Member Defendant Clees and followed up with an email to another Board Member. Both Defendant Clees and the other Board Member were also on the Firm's Compensation Committee.

126. That same day, Ms. Warren followed up in an email to Defendant Clees and the other Board Member writing: "Joe and I looked at the compensation charts at the shareholder meeting together on Saturday. We went through at least 12 individuals whose 3 year totals were less than mine yet they were all paid more. Most of them were men. Considering pay equity law in CA as well as my performance and others similarly situated, I should have received at least an additional $25 to 50K in my increase. Others also received a discretionary bonus in CA, yet, I who surpassed my billable hours by over 100 hours and did not receive a bonus. Others who oversee an office received a bonus, I did not. As you, Matt, Joe are aware, I am now in downtown San Diego (in Regus space) in charge of 2 other attorneys and a practice assistant." Despite her complaints about these disparities, Ogletree continued to refuse to increase Ms. Warren's compensation.

127. In early 2016, a San Diego male associate who supported the female attorneys' complaints about Mr. Skeen, including by verifying Mr. Skeen's errant billing practices, lodged his own internal complaint. The male associate complained that Mr. Skeen engaged in whistleblower retaliation after the male associate supported the women's allegations against Mr. Skeen. The male associate also complained that Mr. Skeen tried to replace him by advertising for the male associate's position during his FMLA leave. When the male associate returned from protected leave, Mr. Skeen relegated him to minimal work.

128. In response to this male associate's complaints, Ogletree again failed to take action against Mr. Skeen, permitting him to stay in the San Diego Managing Shareholder position. In April 2016, the Ogletree Board permitted the complaining male associate to move to Regus space in downtown San Diego to join Ms. Warren and the other associate who spoke up against Mr. Skeen.

129. In late November 2017, Ms. Warren had a call with Defendant Beachboard to determine "what the Ogletree board was going to do with the downtown San Diego office." Mr. Beachboard asked Ms. Warren if "she was going to stay at the firm." He also told her Ogletree does not want two San Diego offices and that Ogletree's Regus office was not a "dot on the map." On information and belief, Ogletree was hoping that its discriminatory acts would force Ms. Warren to leave the Firm.

J. Ogletree Terminated Ms. Warren in Retaliation for Speaking Up Against Pay Disparities

130. Throughout Ms. Warren's time at Ogletree, she pushed the Firm to pay its female attorneys equitably and supported women at the Firm to work together for gender parity and pay equity. Ms. Warren

was always a vocal advocate of pay equity as well as equitable distribution of origination credits for women. In retaliation, the Firm discriminated against her in pay, business development opportunities, and credit allocations, and ultimately terminated her.

131. Ms. Warren openly contested origination credits and compensation decisions at Ogletree on multiple occasions. Each and every time she contested the unfair credit allocations to the lone decider of the origination credits, the Firm's male Managing Shareholder, he awarded the majority share of credits to men, rather than to Ms. Warren.

132. In January 2017, at Ogletree's shareholder retreat, Ms. Warren held a meeting for women to discuss prevailing pay disparities between male and female Ogletree attorneys. Women from several Ogletree offices throughout the country attended and spoke about the disparity in Ogletree's male and female attorney compensation and credit origination. The suggestion was made that ODWIN, a designated Ogletree female attorney group, take information back to the Firm's Board or Directors to try to improve the compensation system, especially as it relates to compensating female attorneys.

133. On information and belief, members of Ogletree's Board became aware that Ms. Warren held this meeting and was openly advocating for equal pay for women. In response, Ogletree further targeted Ms. Warren for retaliation.

134. In February 2017, as part of Ms. Warren's ongoing conversation about the gender pay disparities at the Firm, Ms. Warren emailed Keith Watts, who was the Orange County Managing Shareholder at the time. Ms. Warren specifically put Mr. Watts on notice of the California Fair Pay Act's requirements that companies pay employees equally for "substantially similar work, when viewed as a composite of skill, effort, and responsibility;" that comparators do not have to work at the same establishment; that legitimate factors must account for entire pay differences; and that companies explicitly state that retaliation against employees seeking to enforce the law is illegal.

135. Ms. Warren requested that Mr. Watts disclose "the legitimate factors Ogletree relied on to account for pay differences for shareholders. . . (men vs women in [California])." Mr. Watts responded by promising to confer with a Board member to address Ogletree's compensation pay disparity. Mr. Watts never followed up on this pay equity complaint.

136. Ogletree's mistreatment of Ms. Warren is typical of its mistreatment of women throughout

the Firm and exemplifies the Firm's discriminatory policies and practices.

137. Since the 2017 Shareholders' Retreat, approximately 12 female shareholders have raised pay equity complaints with Ogletree. Almost all of the women who raised complaints were in attendance at the pay equity meeting held in Ms. Warren's hotel room.

138. In December 2017, Ms. Warren participated in her annual compensation call with Managing Shareholder Defendant Keen and another female shareholder. Mr. Keen confirmed that Ms. Warren "had her best year yet." During the 11-minute call, Ms. Warren discussed increasing her focus on pay equity and indicated that other female attorneys in the San Diego and Orange County offices were also very interested in pay equity.

139. On January 12, 2018, Dawn Knepper filed a class action lawsuit against Ogletree alleging, in part, systematic gender discrimination in compensation. Before the lawsuit, Ogletree had been on notice for months of the many additional gender discrimination complaints lodged by approximately 12 women. However, Defendant Beachboard issued "Firm talking points," whereby shareholders were to respond to a script if asked about the lawsuit. The script included misinformation that the lawsuit was limited to a single non-equity female shareholder, Ms. Knepper, when Ogletree in fact knew that many more female attorneys had complained about pay equity issues in the year leading up to the lawsuit.

140. On January 22, 2018, despite Ms. Warren's successes at the Firm and the public lawsuit exposing Ogletree's pay inequity, Ogletree set Ms. Warren's compensation at approximately $130,000 less than similarly situated male shareholders. Ogletree indicated that it considers the past three years' origination credits in awarding compensation—including the year Ms. Warren was moved to Regus space.

141. Ms. Warren planned to appeal her compensation the next day, but did not receive the opportunity to do so.

142. Ogletree launched a sham investigation against Ms. Warren in order to concoct an excuse to determinate her. During the investigation, Ogletree notably neglected to follow its own procedures.

143. In 2016, at Ogletree's Labor and Employment Counsel Exclusive, designed specifically for clients, Ogletree prepared and presented a similar series entitled: "Workplace Investigations: Lessons Learned From the Real Deal." ("Ogletree 2016 Workplace Investigations White Paper"). The Ogletree 2016 Workplace Investigations White Paper contained many of the same points of emphasis as a

subsequent 2017 white paper. However, the Ogletree 2016 Workplace Investigations White Paper contained an "Investigation Checklist" providing a road map on how to conduct investigations. Included among the checklist's key components are interviewing the complainant, the accused, and witnesses, including colleagues or others with information.

144. In March 2017, Ogletree prepared a white paper entitled "Becoming a California Super Sleuth, Investigations Through an Expert Lens" ("Conducting Investigations White Paper") as part of its recommended practices for conducting workplace investigations. Ogletree made the Conducting Investigations White Paper available to clients through its "2017 Navigating California Employment Law" series held from March 1, 2017 through March 4, 2017. Ogletree put forward a presentation for clients based in large part on the Conducting Investigations White Paper.

145. In Ogletree's Conducting Investigations White Paper, Ogletree touted that "workplace investigations should assist employers with ensuring that their working environments are 'fair and safe for all employees.'" The Conducting Investigations White Paper discusses (1) selecting the right investigator; (2) avoiding reliance on a biased decision maker; (3) and sham investigations. Citing case law, it noted that "in a typical sham investigation, persons conducting the investigation, fabricate, ignore or misrepresent evidence, or the investigation is circumscribed so that it leads to the desired outcome (for instance, by deliberately failing to interview certain witnesses.)"

146. Despite all of these representations, Ogletree failed to practice what it preached—again.

147. Less than a week before the Ogletree January 2018 retreat held in Dallas— the day Ms. Warren intended to appeal her 2018 compensation—Ogletree manufactured another counterpunch. Ogletree authorized its General Counsel Chris Mixon to conduct yet another sham investigation, this time regarding one of Ms. Warren's clients. Mr. Mixon never spoke with Ms. Warren as part of the purported investigation, never provided Ms. Warren notice or an opportunity to be heard, and never inquired into context of information or intent behind the subject of Ogletree's investigation. Mr. Mixon never spoke with Ms. Warren's practice assistants, clients, or associates as part of the investigation.

148. On information and belief, Ogletree simply sought a pretext to terminate Ms. Warren, one of the most vocal proponents of pay equity and pay transparency in the Firm, in retaliation for her advocacy on behalf of Ogletree's female shareholders. Ogletree sought to discredit and fire Ms. Warren

before she could join Ms. Knepper's lawsuit or file her own suit.

149. Mr. Mixon launched an internal investigation regarding one of Ms. Warren's clients. The client's former President and COO threatened litigation against the client after being fired. The terminated former President reached out to Ms. Warren, who informed the President directly that she could not represent her due to ethical restraints. Ms. Warren was clear; she represented the company, not the former President, and taking on the representation would present a conflict of interest.

150. Despite Ms. Warren's admonitions, the former President sent Ms. Warren additional information, including certain details regarding the former President's complaints with the company. The former President also informed Ms. Warren of her intention to sue her former employer, Ms. Warren's client. Ms. Warren advised the former President of her ethical obligations as an attorney to inform her client—the company—of this threat of litigation, and cautioned that anything said or provided to Ms. Warren would be transmitted to the company's board. Ms. Warren recommended that the former President seek separate counsel and Ms. Warren provided an appropriate referral.

151. Ms. Warren notified the client's board of directors via letter of her analysis and the risk of litigation. Ms. Warren's letter explained the circumstances of the former President's termination, including that she had been fired by one of the company's attorneys, and provided an analysis of the liability the company faced due to this termination. Two of the client's board members acknowledged Ms. Warren's letter, and Ms. Warren continued to follow up with the client via email after her letter.

152. The attorney that fired the former President, whom Ms. Warren mentioned in her letter to the client, was disgruntled by Ms. Warren's analysis and the liability he caused the company, and threatened litigation against Ogletree in retaliation. Sensitive to the delicate nature of client relations, Ms. Warren informed her practice assistant and associate that any time billed on this matter was to be shifted to the national client and then written off.

153. Despite Ms. Warren's measured and responsible approach to this situation, Mr. Mixon advanced this circumstance as a pretext to terminate her in retaliation for her complaints of gender-based pay discrimination. In reality, Mr. Mixon was determined to oust Ms. Warren before she could attend the 2018 Shareholder Retreat, appeal her 2018 compensation, or pursue her claims

154. Accordingly, Mr. Mixon, with ratification by Defendant Matt Keen, terminated Ms.

Warren in retaliation for her pay equity and gender rights advocacy. Mr. Mixon never asked Ms. Warren about the time billing for this unique matter, nor did he wait for the routine end-of-month billing corrections, when Ms. Warren would have the opportunity to adjust the client bills. Mr. Mixon never reached out to speak with the client or former President as part of the investigation.

155. On January 23, 2018, without ever obtaining information from Ms. Warren, Defendant Keen sent an email to all equity shareholders that intentionally and negligently misrepresented information regarding Ms. Warren's client and its former President in an effort to provide pretext for Ogletree's decision to terminate Ms. Warren. Defendant Keen omitted material facts and failed to speak with Ms. Warren prior to the email. The Firm's investigation and email to all equity shareholders were an attempt to silence Ms. Warren's advocacy for pay equity and gender equity at Ogletree.

156. After Ms. Warren's years of exemplary work—overcoming the Firm's continuous discrimination and misconduct—the Firm's retaliation against Ms. Warren for her work to end pay disparities and bring the Firm into compliance with the law left her with no choice but to accept an offer of employment elsewhere. Ms. Warren joined another firm in February 2018.

157. In contrast, Mr. Skeen is a defendant in an active three-year litigation for professional negligence and has been accused of sexual harassment, billing fraud, discrimination, retaliation, and inequities in the San Diego office, leading to the departure of over a dozen attorneys and staff. However, Mr. Skeen remains the highest paid attorney in the San Diego office because Ogletree sanctions, defends, and continues to support his misconduct.

VI. PRIVATE ATTORNEYS GENERAL ACT ("PAGA") ALLEGATIONS

158. Ogletree has violated Plaintiff Warren's, and current and former female attorneys' rights under the California Labor Code, including the California Equal Pay Act, Section 1197.5.

159. Plaintiff seeks to represent and to recover civil penalties on behalf of herself and other Current and Former Female Attorneys who worked in California at any time during the relevant liability period.

160. Plaintiff has exhausted administrative remedies. In accordance with California Labor Code Section 2699.3, on July 3, 2018, Ms. Warren gave written notice to the California Labor and Workforce Development Agency and by certified mail to Defendant Ogletree of violations of Sections 201-203, 204,

204c, 204.2, 221, 223, 226, 232, 232.5, 98.6, 1102.5, and 1197.5 of the California Labor Code against current and former female attorneys. Plaintiff Warren did not receive written notification from the LWDA of the State's intention to investigate the allegations set forth in her July 3, 2018 notice. Plaintiff Warren did not receive written notice of cure by Ogletree. These violations are continuing and ongoing.

161. On behalf of herself and other Current and Former Female Attorneys employed by Ogletree in California at any time during the relevant liability period, Plaintiff seeks civil penalties for Ogletree's violations of the California Labor Code, including, without limitation, Sections 98.6, 201-203, 204, 204c, 204.2, 221, 223, 232, 232.5, 226, 1102.5, and 1197.5.

VII. COUNTS

COUNT I

CLAIMS UNDER THE PRIVATE ATTORNEYS GENERAL ACT OF 2004

(Cal. Lab. Code § 2698 *et seq.*)

(On Behalf of Plaintiff Warren, in her Individual and Representative Capacities, and the Similarly Aggrieved Current and Former Female Attorneys against Ogletree)

162. Plaintiff re-alleges and incorporates by reference each and every allegation contained in the previous paragraphs of this Complaint as though fully set forth herein.

163. Plaintiff is an aggrieved employee. Plaintiff brings this claim on behalf of herself and other Current and Former Female Attorneys employed in California at any time during the liability period.

164. The California Labor Code Private Attorneys General Act of 2004, Cal. Lab. Code § 2698, *et seq*., gives any employee aggrieved by an employer's violation of the Labor Code the right to file an action on behalf of other current and former employees for the civil penalties established by Section 2698 and/or other Labor Code sections.

165. Plaintiff, on behalf of herself and other Current and Former Female Attorneys employed in California at any time during the liability period, seeks civil penalties for Ogletree's violations of the California Labor Code, including, without limitation, the following violations:

(a) deprivation of equal pay, in violation of the California Equal Pay Act, Cal. Lab. Code § 1197.5(a) (West 2015) (amended 2015), *et seq*., and the California Equal Pay Act, as amended by the California Fair Pay Act, Cal. Lab. Code § 1197.5(a) *et seq*;

(b) retaliation for disclosure of wages and discussions regarding wages, inquiries regarding others' wages, and efforts to aid other employees in exercising their rights under the California Equal Pay Act, in violation of Cal. Lab. Code § 1197.5(k);

(c) retaliation for disclosing wages and terms and conditions of employment, in violation of Cal. Lab. Code §§ 232(c) and 232.5(c);

(d) retaliation in violation of Cal. Lab. Code § 1102.5(b-d) for (1) disclosing information, or alternatively, because Ogletree and its agents believed the aggrieved employees disclosed or may have disclosed information, to a government or law enforcement agency, to persons with authority over them, and to Ogletree employees who had the authority to investigate, discover, or correct the violation and/or noncompliance, which information the aggrieved employees had reasonable cause to believe disclosed violations of and noncompliance with state and federal statutes, and local, state, and federal rules and regulations prohibiting discrimination, harassment, fraud, and sex-based pay disparities, including Title VII, the California Fair Employment and Housing Act, the Equal Pay Act, and the California Equal Pay Act, (2) refusing to participate in activities that would result in the foregoing violations, and (3) exercising rights protected under Labor Code Section 1102.5;

(e) retaliation in violation of Cal. Lab. Code § 98.6 for (1) engaging in the conduct delineated herein, proscribed by Section 1102.5, (2) complaining about unpaid wages, and (3) exercising rights under the foregoing laws and under Cal. Lab. Code §§ 232, 232.5, and 1197.5(k) to discuss wages and terms and conditions of employment;

(f) violation of California Labor Code Sections 204, 204c and/or 204.2 with respect to female employees by failing to pay all wages due and payable at regular, prescheduled intervals during each calendar month, within the timeframes set forth in these provisions, pursuant to statute. In particular, because Ogletree has paid female employees less than male employees performing substantially similar work, in violation of Labor Code Section 1197.5, it has deprived those female employees of timely payment of wages;

(g) violation of Labor Code Sections 201, 202, and 203; because this unlawful underpayment is never remedied, Ogletree also fails to pay departing female employees, including Ms. Warren, all

wages due and owing at the time of discharge, upon the last day of employment if the employee resigned and provided at least 72 hours' notice, or within 72 hours of the employee quitting her employment, in violation of Labor Code Sections 201 through 203; and

(h) inaccurate wage statements in violation of Cal. Lab. Code § 226. Ogletree's failure to pay female employees the wages to which they are entitled under the California Equal Pay Act causes its pay statements to be incorrect, including as to the gross and net amounts earned.

166. These violations were willful, knowing, and intentional.

167. These violations are continuing and ongoing.

168. Accordingly, Plaintiff is entitled to collect civil penalties on behalf of herself and other Current and Former Female Attorneys against Ogletree as allowed under Cal. Lab. Code § 2699(a) and (f).

169. Plaintiff is entitled to recover costs and attorneys' fees under Cal. Lab. Code. § 2699(g).

VIII. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment and relief as follows:

A. For recovery of penalties and unpaid wages as provided by the Private Attorneys General Act of 2004;

B. Reasonable attorneys' fees pursuant to California Labor Code section §2699(g);

C. Costs of this suit;

D. Pre- and post-judgment interest; and

E. Such other and further relief as the Court deems just and proper.

IX. JURY DEMAND

Plaintiffs demand a trial by jury on all issues triable of right by jury.

Dated: January 23, 2019 Respectfully submitted,

/s/ Ed Chapin

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