

U.S. DISTRICT COURT
for the
DISTRICT OF CONNECTICUT

STEFANIE CUNNINGHAM,	:	
	:	
Plaintiff	:	3:19-cv-01912-AWT
	:	
v.	:	
	:	June 30, 2020
METLIFE GROUP, INC. and	:	
METROPOLITAN LIFE INSURANCE	:	
COMPANY,	:	
	:	
Defendants	:	
	:	

FIRST AMENDED COMPLAINT

1. Plaintiff Stefanie Cunningham (hereinafter “Plaintiff” and/or “Ms. Cunningham”) brings this action against Defendants Metlife Group, Inc. and Metropolitan Life Insurance Company (hereinafter collectively “Defendants”) seeking money damages and other legal and equitable remedies against said defendants for unlawfully discriminating and retaliating against her pursuant to 42 U.S.C. § 1981 and 42 U.S.C. § 2000e *et. seq.* (*Title VII of the 1964 Civil Rights Act*) on account of her race and for protected activities to complain of discrimination.

I. JURISDICTION, VENUE & PARTIES

2. This action is authorized and instituted pursuant to the 42 U.S.C. § 1981, 42 U.S.C. § 2000e *et. seq.*, 28 U.S.C. §§ 451, 1331 and 1343(3) and (4). This Court has supplemental jurisdiction pursuant to 28 U.S.C. § 1367.

3. All of the allegations made herein occurred within the territorial jurisdiction of the United States District Court for the District of Connecticut

4. Plaintiff is a resident of the State of Connecticut, having her principal residence in Ellington, Connecticut.

5. Defendant Metlife Group, Inc. is a for-profit organization, having its headquarters and a place of business located at 1300 Hall Blvd., Bloomfield, Connecticut 06002, and conducts business within the District of Connecticut. According to Plaintiff's IRS Form W-2, Defendant Metlife Group, Inc. is also located at 500 Schoolhouse Road, Johnstown, Pennsylvania 15904.

6. Defendant Metropolitan Life Insurance Company is a for-profit organization, having its headquarters and a place of business located at 1300 Hall Blvd., Bloomfield, Connecticut 06002, and conducts business within the District of Connecticut. Defendant also maintains offices located at 200 Park Avenue, New York, New York 10166

II. PROCEDURAL PREREQUISITES

7. Plaintiff filed a dual filed complaint with the Connecticut Commission on Human Rights & Opportunities (hereinafter "CHRO") and with the United States Equal Employment Opportunity Commission (hereinafter "EEOC"). On October 16, 2019, the EEOC issued a Notice of Right to Sue to Plaintiff, copied to the Defendants. **See Exhibit A attached hereto.**

III. FACTUAL BACKGROUND

8. Plaintiff is an African American female and her current age is 53.

9. Plaintiff became employed by Defendants on September 19, 2011 as a Family Medical Leave Act (FMLA) Case Manager and worked at the Defendants offices located at 1300 Halls Blvd., Bloomfield, Connecticut 06002.

10. According to Plaintiff's 2019 W-2 statement, her employer is Metropolitan Life Insurance Company and Metlife Group, Inc. The Defendants maintain a common Human Resource Department, a common email system for all employees of both companies, and have common management. Upon information and belief, the two defendants are so integrated that they can be seen as operating as a single employer.

11. Plaintiff asserts the Defendants violated her employment rights under the Defendants equal employment policies. Defendants maintain the following equal opportunity and anti-harassment policy stated in pertinent part as follows:

...create a workplace with an emphasis on inclusion, where all employees are treated with dignity and respect, in an environment free of any kind of unlawful discrimination or harassment- including sexual harassment, whether verbal or physical.

Ensure that employees ...shall not be subjected to harassment, intimidation, retaliation, threats, coercion or discrimination because they have engaged in, or may engage in, any of the following activities: a) filing a complaint; b) assisting or participating in an investigation, compliance review hearing or any other activity related to the administration of any federal, state or local law or company policy requiring equal opportunity; c) opposing any act or practice made unlawful by these laws and policies; d) exercising any other protected right.

Metlife, as part of its equal opportunity policy, is firmly committed to providing a workplace where everyone is treated with dignity and respect, in an environment free of all forms of unlawful discrimination, including sexual harassment and other types of discriminatory harassment. This policy prohibits harassment, discrimination, and retaliation in the workplace...

We all share responsibility and ownership for creating and maintaining a respectful and positive work environment. Actions or words of a sexual nature that harass or intimidate others are strictly forbidden and will not be tolerated. Similarly, actions or words that harass or intimidate others because of other protected characteristics are also strictly forbidden and will not be tolerated. Discriminatory harassment is prohibited by federal and applicable state, city and local law. Inappropriate conduct will result in appropriate corrective action in accordance with Metlife policy, up to and including termination of employment...

Anyone who feels that he or she has been subjected to any form of harassment, discrimination, retaliation or other misconduct in violation of this policy should bring this to the attention of Metlife management or Human Resources immediately. Anyone may report an incident of discriminatory harassment or other misconduct in violation of this policy to an immediate supervisor/manager or any of the channels listed below...A complaint may be initiated in-person, by telephone, or by directing it in writing, electronically (i.e. via email), or by any other means...

Retaliation of any kind against anyone who brings a complaint, opposes any alleged violation, or participates in an investigation/hearing concerning an alleged violation of this policy, whether the matter is being handled internally or before a governmental agency or court, is unlawful and against Metlife policy.

Managers and supervisors are responsible for communicating this policy to all employees, and for the successful application and implementation, including ensuring adherence to it in all personnel activities throughout Metlife...

12. Metlife offers yearly raises and bonuses for employees that have been employed for at least a year. Plaintiff received her first raise and bonus in March of 2012 at a time when she had not been employed for a full year. In the few short months since her initial employment, she was recognized for outstanding work by getting a raise and bonus. From 2011-March 2018, Plaintiff received a raise and a bonus. During all performance reviews Plaintiff was never reprimanded for behavior, work production, or received complaints that her co-workers were afraid of her or that she did not assist co-workers. In fact, Plaintiff was recognized as being an outstanding team player and worker. This is important because Ashlee Tringo (hereinafter "Ms. Tringo"), as Plaintiff's manager, attempted to portray Plaintiff as a bully, which Plaintiff denies emphatically. Plaintiff has a copy of her employment file, and neither the term bully, nor any other negative terms, were used to describe Plaintiff prior to Ms. Tringo becoming Plaintiff's manager.

13. On or about April 12, 2017, Plaintiff received an exceeds expectation performance review for 2016.

14. On or about April 2017, Plaintiff was promoted to the Unauthorized Team (hereinafter "UA"). The UA team handled claims in which the employer would provide notice if an employee had not returned to work from their medical leave. The UA team consisted of Plaintiff and her co-worker Tammie Moore (hereinafter "Ms. Moore" – who is also African American). They were strictly assigned to only handle FMLA claims. There were six (6) case managers on the UA team that strictly handled Short Term Disability (hereinafter "STD") claims. Because Plaintiff was not trained to work STD claims, she never reviewed medical on

STD claims. However, Plaintiff and Ms. Moore were advised by Operations Manager Desiree Bissell (hereinafter “Ms. Bissell” - who is Caucasian) that Plaintiff and Ms. Moore would be trained as STD case managers. The first week of such training, Ms. Bissell was also in training with the new staff and she stated her expectations from the team. Ms. Bissell also stated the Plaintiff and Ms. Moore would be trained on STD and STD case managers would learn FMLA.

15. Ms. Tringo (a biracial African American) became the UA manager in July 2017. Plaintiff and Ms. Tringo never developed a close working relationship. MetLife requires that its managers meet with their employees at least once a month. Throughout Plaintiff’s tenure of employment, Ms. Tringo and Plaintiff had our “one-on-one” meetings during which Ms. Tringo specifically brought up the following discriminatory topics: “are you the lightest one in your family”, “what is your hair texture”, “how are you black”, and “what is the race of your parents.” Plaintiff objected to Ms. Tringo each time she said these statements, but Ms. Tringo would not stop.

16. The first “one-on-one” meeting was in early August 2017. Plaintiff and Ms. Tringo gave a brief introduction of themselves and Ms. Tringo stated it was finally nice to meet Plaintiff. When Plaintiff was in the office, she maintained a drawer full of candy and snacks and the word was out that “free snacks” were available at Plaintiff’s desk. Although Ms. Tringo and Plaintiff never had a conversation, Ms. Tringo would walk over to Plaintiff’s desk for a snack. On Plaintiff’s desk there were pictures of her niece and nephews, but no pictures of her parents.

17. During the “one-on-ones”, Ms. Tringo asked if Plaintiff was Puerto Rican. Plaintiff told her Ms. Tringo she was African American, she did not talk about race, was raised African American and left it at that. Plaintiff also explained to Ms. Tringo that does not engage

in race conversations. During Plaintiff's time at Metlife, her sisters - Terri Alderman and Michele Davis - were also employed with Metlife.

18. Ms. Tringo asked why Michele Davis and Plaintiff had different texture hair. Specifically, she asked if Plaintiff was mixed race. Again, Plaintiff stated that none of them talk about race. However, Ms. Tringo persisted and stated she could see the textural differences in the hair of Plaintiff and Michelle Davis and wanted to know why, if Plaintiff and Michelle Davis were sisters, why Plaintiff was so light. Plaintiff changed the subject to work related matters.

PROTECTED ACTIVITY

19. During Plaintiff's first month at Metlife, one of the cafeteria staff members stated to Plaintiff, that Plaintiff wasn't black enough. Plaintiff believes this staff member's name was Moe. Plaintiff was with her sister Terri Alderman and was introduced to Moe as Terri Alderman's sister. "Moe" looked at Plaintiff and made the comment "you are not black enough." Later that same day while in training the Plaintiff had an encounter with Amina Wali (hereinafter "Ms. Wali" who is also African American). She harassed Plaintiff throughout training. Most individuals in the training class either quit or were fired and Ms. Wali did not hide her ill feelings towards the Plaintiff. Everyone in the training class witnessed Ms. Wali's attempt to bully Plaintiff. The trainer "Nicole" (Plaintiff cannot remember her last name) did nothing to intervene with Ms. Wali who would make all kinds of comments towards the Plaintiff and others. During one training course Ms. Wali stated to Plaintiff, "you are a fake black person." The trainer at the time of this incident was Richie R. Richie R. stated this incident had to be reported to Human Resources (hereinafter "HR"). Plaintiff's manager at the time was Stan Craig (hereinafter "Mr. Craig"), wanted to get Plaintiff's version of the events. Plaintiff spoke with Mr. Craig and Paula Bianchi (hereinafter "Ms. Bianchi" - another unit manager) and

explained that her short time at Metlife had been miserable. Both Mr. Craig and Ms. Bianchi were very upset at Plaintiff's treatment and Mr. Craig said he was calling HR. Plaintiff thereafter received a call from HR advising they received a complaint from Plaintiff's unit leader Mr. Craig. Plaintiff gave details to HR and how shocked she was by the environment at MetLife. This discussion evidenced a protected activity to complain about race discrimination during Plaintiff's early employment. A few weeks later Plaintiff was called into the office with Mr. Craig and Ms. Bianchi and there was also someone else from HR present on the phone during this meeting. Plaintiff was advised that "Moe" had apologized but that, however, Ms. Wali had denied making any comment, and that HR had been unable to confirm statements made by Ms. Wali. The training class stated that most of Ms. Wali's comments were off "colored" and that most of them simply ignored her. However, management felt it was best to move Ms. Wali and she was later terminated on suspicion of lying on her timecard. "Moe" resigned because she felt systemic racism. Upon information and belief, Ms. Bissell would know the policy and would be aware of all of the above discriminatory information and conduct.

20. On or about October 2017, Ms. Tringo gave Plaintiff a written warning for emailing a Metlife memo to her personal email. Plaintiff was on the diversity committee, which was developed because the morale in the Bloomfield office was terrible. This committee was put together to come up with a plan to boost employee morale based on survey questions. The memo that Plaintiff sent to her personal email did not have any personal information and listed the complaints from employees. This written warning had nothing to do with production or getting along with Plaintiff's co-workers.

21. A typical day for the UA team consisted of waiting for work to be entered in a Que system. Managers, not case managers, entered the work in the Que system as it came in from the client. Plaintiff has no control over the workflow.

22. During daily team huddles, the UA team as whole discusses the day before if there were any problems, the expectations of the day, and any acknowledgements - "Center stage." At these huddles there would be Ms. Tringo, Plaintiff, Ms. Moore and others on the UA team (i.e., Mike Messina, Stacie Zeiboski, Suequanna Iddruis, Sherri Ryan, Amanda Russo, Olivia Premo). Ms. Tringo would spend a few minutes discussing matters about the team and the rest of the time discussing herself and her husband. Anyone on the UA would confirm the foregoing, however, Ms. Iddruis is no longer employed at MetLife. Plaintiff never spoke about her life, her family, or her race and would instead talk about her travels, school, or the movies. At one huddle, comments would be made about Plaintiff's hair. Ms. Tringo stated that her husband Matt Tringo, also Plaintiff's former supervisor, told Plaintiff that her hair is kinky and looks like pubic hair.

23. Ms. Tringo and her husband Matt Tringo bought a new house in Windsor, Connecticut and for one Thanksgiving, they spent the holiday at his parents' house in Utica, New York. Ms. Tringo described the details of taking a shower with Matt at his parents' house compared to her new master bathroom at their new home, with sexual inferences. Ms. Tringo stated that she had more white girlfriends than black ones and in fact she stated she didn't have any black girlfriends. She also told Plaintiff and others how she was a bully in school and that she had her friends help her bully and taunt a girl for stealing her sneakers. Plaintiff and others told Ms. Bissell that Ms. Tringo was out of control and Ms. Bissell stated she would tell Ms. Tringo to "know her audience when telling her stories."

24. For the most part Plaintiff was quiet during the huddles. Ms. Tringo stated in her rebuttal to the CHRO that Plaintiff takes over the meetings, the Plaintiff's teammates do not like to attend meetings, and that Plaintiff is a troublemaker, all of which Plaintiff denies. At the CHRO fact-finding Sherri stated she called HR to talk about Plaintiff as she was upset at how Plaintiff was being treated and that she was a great teammate, and an expert in FMLA. However, a week after the fact-finding, Sherri was transferred off of the UA team.

25. Also at the CHRO fact-finding, Oliva Premo (hereinafter "Ms. Premo") falsely stated under oath that Plaintiff physically assaulted her by grabbing her by both her arms, and shook her. Ms. Premo further falsely stated under oath that Ms. Moore and Plaintiff told her "we would never accept Ashlee because she is not black." Ms. Premo's entire testimony was thrown out, and she admitted during the fact-finding that she lied. Plaintiff was never a part of any such conversation nor did she assault Ms. Premo. This is important because had it been true the Plaintiff would have been fired and most likely arrested. The allegation, or the narrative, the Plaintiff was an awful co-worker was refuted. More importantly – Plaintiff had several "one-on-ones" with Ms. Tringo and Ms. Bissell, and at no time was Plaintiff's alleged behavior ever an issue. Neither Ms. Tringo nor HR every brought it to Plaintiff's attention the she was the "scary black lady," "was sassy," or "had a chip on her shoulder." All of Plaintiff's yearly reviews were excellent and she regularly received a raise and a bonus.

26. On or about March 2018, Plaintiff received "Meets All or Most Expectations" performance review for 2017, evidencing her good performance.

27. Ms. Tringo started to paint Plaintiff as a difficult employee once Metlife was served the CHRO complaint on or about April 25, 2018. Plaintiff's employee file prior to the filing of the CHRO complaint reflects that Plaintiff was a stellar employee. After the complaint

was served, however, Plaintiff became the most difficult person. Yet, Plaintiff only received the written warning about production, which was false.

28. During one daily huddle, Ms. Tringo would announce if a team member had received a center stage for a “great job.” The spirit of the center stage is to give a thank you for someone going above and beyond. Ms. Moore, Plaintiff and Suequanna started to notice that Ms. Tringo would read center stages for non-work reasons. As an example, Oliva, Sherri, and Amanda started sending each other center stages for saying hello, the three of them kept the team current, or just a great team. Yet, no people of color on the UA team were recognized and Ms. Tringo allowed the team to divide along racial lines.

29. At the CHRO fact-finding conducted on May 18, 2018, Oliva stated under oath that she would never thank Plaintiff or Suequanna. Attorney Trotta pointed out Plaintiff did receive Center stages from other teams within Metlife. This is important because this showed Ms. Tringo’s attempt to paint Plaintiff as difficult was refuted by MetLife’s own evidence.

30. Plaintiff stated on June 5, 2018 that all the frivolous Center Stages gave the perception of a racial division on the UA team. Oliva confirmed under oath at the fact-finding that she would never send a thank you to Plaintiff or Suequanna, demonstrating a racially motivated intent.

31. Plaintiff started a disability leave of absence on June 7, 2018 due to the hostile work environment, discriminatory treatment and retaliation that was causing her severe emotional distress, including but not limited to anxiety, panic attacks and depression; all of which she received and continues to receive medical care. In essence, Plaintiff was constructively discharged from her active duty employment. Plaintiff currently remains on a disability leave under the Defendants’ long term disability benefit plan.

32. The “one-on-ones” that Plaintiff had with Ms. Tringo were not about work but to dig into Plaintiff’s background. Plaintiff’s father was born in Kingston, Jamaica and he died in January 2003. Plaintiff’s mother is half white and half African American. Despite Plaintiff’s background she was raised African American. In all employment applications Plaintiff never checked bi-racial as a racial classification, only African American or Black.

33. At no point in time was Plaintiff ever under review for behavior or work quality whereas several others on the UA team were written up for breaches. It is forbidden by MetLife to send a client a letter with their social security number in the body of the letter. Plaintiff was never reprimanded for being unprofessional. Ms. Tringo would always tell Plaintiff that she was doing a good job. Plaintiff helped Ms. Moore – her FMLA partner. No one had complained about Plaintiff from other teams or on the UA team. On many occasions, Plaintiff would ask about STD training and she would get the same response - “it was being arranged.”

34. On January 26, 2018, Plaintiff was working from home and typically worked from home on Monday, Thursday, and Friday. Plaintiff recalls asking a question in the chat regarding a maternity leave. Suequanna Iddruis (hereinafter “Ms. Iddruis” - also African American) was in the office and Plaintiff received an email from her advising that management (Ms. Tringo, Stacie, and Mike) were making fun of Plaintiff and her maternity leave question. Ms. Iddruis stated that the laughing and mocking was so loud another member from a different team emailed her to ask “are they really dogging Stefanie and they are loud.” Ms. Iddruis said the mocking was so bad that it made her feel uncomfortable and angry. Plaintiff asked what was being said and was told that she was being humiliated and mocked because she had asked a stupid question. Comments were made that include “I guess she’s not that bright,” and “what didn’t I get?” Further, Plaintiff’s mental status was questioned and one comment made was

“DUH.” Plaintiff sent Ms. Tringo an email advising that she was aware of what the three of them were doing and Ms. Tringo admitted they were laughing and mocking Plaintiff because the question “shouldn’t have been asked” as Plaintiff should know the answer. Plaintiff explained to Ms. Tringo that knowing the answer and being mocked are vastly different and informed her that she would be speaking with Ms. Bissell about the incident. Ms. Tringo said she would also speak to Ms. Bissell about Plaintiff in response to which the Plaintiff told Ms. Tringo “she can speak to Desiree it will not change the fact what she allowed to happen will not happen again.” Plaintiff immediately complained, a protected activity, to Employee Relations on January 26, 2018 and spoke to Sue LeClerc about racial discrimination and bullying.

35. Plaintiff was subsequently informed by Ms. Bissell and Sue LeClerc (hereinafter “Ms. LeClerc”) that Ms. Tringo, Stacie and Mike were all disciplined for their actions.

PROTECTED ACTIVITY

36. On January 27, 2018, Plaintiff met with Ms. Bissell and advised her about a bigger problem developing with Ms. Tringo. Ms. Bissell had a notebook and took notes during this meeting at which Plaintiff explained the growing racial tension she had with Ms. Tringo. Plaintiff was engaging in a protected activity to complain of race discrimination by her manager Ms. Tringo. Ms. Bissell wanted examples of discrimination and Plaintiff recounted that Ms. Tringo said her husband told her that her hair looks like pubic hair; how they take showers together in a sexually suggestive manner; how she wanted to know if Plaintiff’s hair was real; if Plaintiff used chemicals to make her hair straight; and if Plaintiff was the lightest one in her family. Ms. Bissell told Plaintiff that she spoke with Ms. Tringo, however, she also said Plaintiff should not have been treated this way. Ms. Bissell also stated she would have a team meeting without Ms. Tringo.

PROTECTED ACTIVITY

37. On January 30, 2018, Ms. LeClerc from HR spoke with Plaintiff about the incident. During this call Plaintiff explained to Ms. LeClerc how this mocking was unacceptable. and also explained that Ms. Tringo made comments about Plaintiff's skin color and hair, and also made inappropriate sexual comments that needed to stop. Ms. LeClerc also wanted examples, and Plaintiff again recounted that Ms. Tringo said her husband told her that her hair looks like pubic hair; how they take showers together in a sexually suggestive manner; how she wanted to know if Plaintiff's hair was real; if Plaintiff used chemicals to make her hair straight; and if Plaintiff was the lightest one in her family. Plaintiff was engaging in a protected activity to complain of race discrimination by her manager Ms. Tringo. Ms. LeClerc was shocked at these disclosures as she personally knew Ms. Tringo and her husband Matt Tringo. Plaintiff asked whether this created a conflict of interest and was assured that the complaint would be handled according to policy. Ms. LeClerc asked that Plaintiff define mocking as it relates to discrimination. Plaintiff told Ms. LeClerc that making disparaging, ridiculing or mocking comments that create an oppressive environment is against the law. In turn, Ms. LeClerc stated she wanted to read up on the law, that she was not personally familiar with the law, and asked how Plaintiff knew so much about the law. Plaintiff explained as a person of color, and with her undergraduate degree from the University of Connecticut, and with her Masters in public Administration, that she knew about discrimination. Ms. LeClerc told Plaintiff to trust HR and that she and Ms. Bissell were going to be speaking with Ms. Tringo about her behavior and to treat Plaintiff fairly.

38. On January 31, 2018, Plaintiff met with Ms. Bissell and was advised that all three (Ms. Tringo, Mike, and Stacie) were reprimanded for their behavior. Plaintiff again told Ms.

Bissell that she did not feel comfortable on the UA team and that for her peace of mind she could not remain on the UA team. Plaintiff requested to go back to the stand alone FMLA team but was told that training a new member at this point in time would be hard.

39. Ms. Bissell stated she wanted Ms. Tringo and Plaintiff to work out their differences, but that Plaintiff should not feel harassed or discriminated. Plaintiff asked when she was going into STD training and Ms. Bissell stated she could not give Plaintiff a date but assured Plaintiff that she would be trained. Later that same day Plaintiff spoke with Susan from HR who also confirmed that Ms. Tringo, Mike and Stacie were reprimanded. Susan also stated all three were advised how to treat Plaintiff but would not advise if they had received written or verbal warnings.

ADVERSE ACTION - FAILURE TO PROMOTE

40. On February 2, 2018, at a team meeting Ms. Tringo announced that Ms. Premo (Caucasian) would be taking over the control report from Plaintiff and Ms. Moore. Plaintiff and Ms. Moore both asked why a change was being made and Ms. Tringo said it was her decision. This was a failure to promote and an adverse employment in direct response to Plaintiff's complaints of racial discrimination to management and human resources.

PROTECTED ACTIVITY

41. On February 2, 2018, Plaintiff called HR to advise she was a victim of retaliation. Plaintiff spoke with Ms. LeClerc and told her this was going from "bad to worse." Plaintiff also explained that job duties were removed and she was being retaliated against for a protected activity. Plaintiff explained to Ms. LeClerc the nature of the control report and that she and Ms. Moore met with Ms. Tringo and Mike on January 24, 2018 to discuss the format of how the report was being done would change. Bank of America claimed Metlife was not reporting timely

bank employee's claims that were being extended and that this was causing them legal problems. Plaintiff and Ms. Moore were shown the updated policy to ensure that Bank of America would not be sued for wrongful termination. Starting January 25, 2018, Plaintiff and Ms. Moore were now following the new control report policy. Ms. Tringo stated the report was done incorrectly on January 19, 2018 and Plaintiff pointed out at the meeting that it did not make sense that Ms. Tringo was looking at an old report. Plaintiff explained to Ms. LeClerc that she had a feeling Ms. Tringo would do something like this and HR spoke to Ms. Tringo about Metlife policy.

PROTECTED ACTIVITY

42. On February 2, 2018, Plaintiff also spoke with Ms. Bissell about the same issue - a protected activity. Plaintiff advised her that one of them needed to be moved as this was not a healthy work environment. Plaintiff also stated that what Ms. Tringo was doing to her was against the law. Ms. Bissell stated that neither Plaintiff, nor Ms. Tringo, was going to be moved from the team. She also stated "what's the big deal it's less work for you." Plaintiff told her this was retaliation.

43. When Plaintiff spoke with Ms. LeClerc she explained that Connecticut has strict laws about retaliation and that Ms. Tringo was reducing her workload in retaliation for reporting the mocking incident. Ms. LeClerc stated she would investigate the laws regarding retaliation, but also stated "less work is not that bad." HR spoke with Ms. Tringo about the retaliation and on February 6, 2018, Plaintiff was given back the control report.

44. On February 7, 2018, at a team meeting Ms. Tringo announced that Ms. Premo was going into STD training for the month of March. Plaintiff asked Ms. Tringo if they could talk as she wanted to know why Ms. Premo was going into STD training before Plaintiff or Ms. Moore. Ms. Tringo stated that she and Ms. Bissell had made the decision that Ms. Premo was

going first. Plaintiff explained that she and Ms. Moore had seniority and had been told that they would be trained first. There was no job posting for the position, and had there been Plaintiff would have applied for the position. Metlife will post some jobs, but in some cases, they would just move people without warning which is why Plaintiff and Ms. Moore questioned the pass over. Ms. Premo was very vocal about the raise and working STD claims. Ms. Moore also asked for the raise. Later that same day, Ms. Premo announced she received a \$5,000 raise. Plaintiff called Ms. Bissell and wanted clarification why she was passed over for training and the raise. Plaintiff also asked why Ms. Premo got the raise. Ms. Bissell said that Ms. Premo was moved over as STD case manager because she had STD experience. However, Ms. Premo had no training as Plaintiff had trained Ms. Premo as an FMLA case manager. Plaintiff pointed out this was a lie and Ms. Bissell retracted her explanation and made the following vague and ambiguous statement that Ms. Premo was going to be trained for what she is being paid for. From October 2017 to March of 2018, Ms. Premo got paid as a STD case manager but worked as a FMLA case manager. Plaintiff said this was “fundamentally unfair” and Ms. Bissell told her “since I’m at the higher paygrade for FMLA case managers I should be happy.” Plaintiff pointed out that STD case managers make more money than the highest paid FMLA case manager. As Plaintiff felt she was getting nowhere with Ms. Bissell she called HR.

45. On February 7, 2018, Plaintiff spoke with Ms. LeClerc in HR who said she spoke with Ms. Tringo on February 2, 2018, and that Ms. Tringo had stated Plaintiff was being paid at the highest end for FMLA and wasn’t getting a raise. Yet, Ms. Tringo and Ms. Bissell denied training Plaintiff before Ms. Premo without offering a legal reason. There was no job posting for a UA STD case manager. Defendants promoted Olivia, a new and lesser qualified white employee over the Plaintiff.

PROTECTED ACTIVITY

46. When Plaintiff spoke with Ms. Bissell, she told her since Metlife was not taking her complaints seriously that she felt CHRO should be involved. Ms. Bissell asked how she could fix the relationship between Ashlee and Plaintiff. Plaintiff stated that fixing the relationship was not the issue and asked to be removed from the UA team. Ms. Bissell again persisted in wanting to know how to help Ms. Tringo and Plaintiff get along. Plaintiff stated CHRO would be the best to handle workplace discrimination and again explained to Ms. Bissell that Connecticut prohibits pay inequities and unfair promotions. Ms. Bissell said she would review state law and later that same day called Plaintiff and stated she was going to have a meeting with the team to feel how the team felt about Ms. Tringo. Ms. Bissell also wanted to meet with Plaintiff and Ms. Tringo to which Ms. Bissell stated that Ms. Tringo and Plaintiff had to work out their problems because she was not moving either from the UA team. Plaintiff told Ms. Bissell that she was not the one with the problem and Ms. Tringo stated she was “good.” As for Plaintiff’s \$5000 raise request, Ms. Bissell said no because Plaintiff was not a STD case manager. Plaintiff pointed out that Ms. Premo was promoted from FMLA case manager to STD case manager over Plaintiff and Ms. Moore. Ms. Bissell stated that the decision to promote Ms. Premo was final, and that her promotion allowed for the \$5,000 raise. Plaintiff was also told that she would only get the yearly raise and bonus.

PROTECTED ACTIVITY

47. On February 28, 2018, the UA team met with Ms. Bissell. At this meeting everyone stated that Ms. Tringo was inappropriate and petty and talked about how her sexual comments were out of control, topics of race were inappropriate, and that she talked about “having friends in high places.” Plaintiff also told Ms. Bissell that she was going to CHRO –

another protected activity – because she felt Metlife was not doing enough to protect her. Plaintiff also told Ms. Bissell that she was a victim of racial discrimination and was being treated differently based on her race and that Connecticut law prohibited this act of discrimination.

PROTECTED ACTIVITY

48. On March 1, 2018, Ms. Bissell called Plaintiff to setup a meeting after which she had more questions and wanted to know how Plaintiff and Ms. Tringo could work out their problems. Plaintiff explained to Ms. Bissell the racial comments (how was Plaintiff black, was Plaintiff the lightest one in her family, etc.), the retaliation, being passed over for training and promotion was causing her great stress and asked why her complaints were not serious enough for a change. Plaintiff used a sports analogy and told Ms. Bissell that in baseball if the team is losing, typically the manager is fired, or the players are traded. Plaintiff said she no longer wanted to work or be around Ms. Tringo. However, Ms. Bissell again stated nobody was going to be fired or moved and that Ms. Tringo and Plaintiff must learn how to work together. She said she would again speak with Ms. Tringo about how she treats Plaintiff.

49. On March 30, 2018, Ms. Bissell was promoted to Director of Operations and was replaced by Mike LaRosa (hereinafter “Mr. LaRosa”).

PROTECTED ACTIVITY

50. On April 2, 2018, Plaintiff received a call from Lisa Garrison (hereinafter “Ms. Garrison”) from HR who told Plaintiff that she would be looking into her complaint. Plaintiff stated she hoped that Ms. Garrison would take her complaint more seriously than Ms. Bissell and provided details about the racial comments (how was Plaintiff black, is Plaintiff the lightest one in her family, etc.), being passed over for the raise and promotion, and the mocking, all of which reflected that she was being discriminatorily treated.

51. Ms. Garrison asked for witnesses that could corroborate Plaintiff's complaints and was given Ms. Moore and Ms. Iddruis's names, both of whom could give details of the ongoing problems.

ADVERSE ACTION- FAILURE TO TREAT EQUALLY

52. On April 9, 2018, Ms. Tringo announced to the UA team that Plaintiff and Ms. Moore would be in STD training for the next week and that Ms. Premo would cover FMLA by herself since the other teammates only knew STD, and not FMLA. Ms. Moore asked why only a week of training, whereas Ms. Premo had received a month. Ms. Tringo stated that Plaintiff and Ms. Moore had a week to learn STD. Plaintiff expressed that "you cannot learn STD in a week, and this is a set up for failure." Plaintiff and Ms. Moore went into STD training on April 25, 2018. This constituted an adverse employment action, as Ms. Premo was given more favorable treatment because of her race.

ADVERSE ACTION

53. On April 23, 2018, Plaintiff was working from home. Plaintiff was working on her Ph.D. and needed to go to a residency in Arizona and therefore put in a vacation request in March. Defendants have a vacation calendar that shows approved or requested vacation time. On the calendar Sherri Ryan - STD Case Manager (hereinafter "Ms. Ryan" – Caucasian) had put in for vacation for the same days. The rule is that two people can be off if they don't do the same job. In other words, two STD case managers or two FMLA case manager could not be off at the same time. Ms. Moore had not requested time off and therefore Plaintiff knew her vacation request would be approved.

54. Plaintiff sent Ms. Tringo an email regarding her vacation request and stated to her that she needed to purchase airline tickets. Plaintiff asked if Ms. Tringo could approve the time

in the calendar but Ms. Tringo stated that while she thought about it that she denied Plaintiff's request because she could not have Ms. Ryan and Plaintiff off at the same time since Plaintiff was being trained as a STD case manager, but by definition was not yet an STD case manager, that Plaintiff's request could not be granted. As stated, two STD case managers cannot be off at the same time. However, Plaintiff told Ms. Tringo this was wrong and stressed that notwithstanding the one week of training, that she would not be able to cover STD, due to insufficient training and re-requested that Ms. Tringo approve the vacation request. Plaintiff stated this was an education related vacation request but Ms. Tringo maintained her denial of Plaintiff's vacation request. Metlife sent the vacation calendar to CHRO, wherein it is reflected that Ms. Tringo had previously approved overlapping vacation requests for three people in the same department. Ms. Tringo stated to CHRO the reason for the denial was that Ms. Ryan had requested the time first. However, Ms. Tringo made a call to HR advising she planned to transfer Plaintiff, Ms. Moore and Ms. Iddruis to STD. Ms. Tringo did not want to transfer Plaintiff with an approved vacation request.

ADVERSE ACTION

55. Later that same day, Ms. Tringo sent Plaintiff an email asking: "what am I doing." Plaintiff replied: "waiting for work." A few minutes later, Plaintiff got an email from Ms. Moore asking if she had received an email from Ms. Tringo. Apparently, Ms. Tringo had sent the same email to both Ms. Moore and Plaintiff. Ms. Tringo's email stated that Plaintiff and Ms. Moore were not being productive. Plaintiff and Ms. Moore replied that all FMLA work had been completed and they were awaiting further FMLA work. Ms. Tringo stated that due to the low production that she was going to reevaluate Plaintiff and Ms. Moore's working from home privileges. Plaintiff stated in response that "one day of not being productive should not count."

Plaintiff also told Ms. Tringo that she would like to meet with her and Mike LaRosa. Ms. Tringo was well aware that the FMLA workload was lighter than STD. For this reason, Plaintiff and Ms. Moore wanted STD training to assist with STD claims. There have been times when Plaintiff arrived at work at 7:30 a.m. but didn't get FMLA work until 1:30 p.m. Most days Plaintiff was done with her work within 2 hours and both she and Ms. Moore had little to no work but she made sure if she finished that she would check if Ms. Moore needed help and she would do likewise. This bogus warning issued by Ms. Tringo was related to the "argument" with Plaintiff about approving her vacation request. Plaintiff sought Mr. LaRosa's assistance to address Ms. Tringo's efforts. Because Plaintiff was a specialty case manager, she could not assist other FMLA case managers due to her access level, and there was a consistent lack of work for Plaintiff and Ms. Moore. During the fact-finding, Ms. Bissell confirmed that Plaintiff and Ms. Moore had very light workloads. Furthermore, Ms. Tringo stated she did not like the fact that Plaintiff sought Mr. LaRosa's assistance.

56. On April 24, 2018, Plaintiff started STD training and sent Mr. LaRosa an email requesting a meeting. Mr. LaRosa replied he could meet with Plaintiff on April 25, 2018.

PROTECTED ACTIVITY AND ADVERSE ACTION

57. On April 25, 2018, Plaintiff met with Ms. Tringo and Mr. LaRosa. Plaintiff expressed her discrimination complaints based on Ms. Tringo's comments and conduct. Mr. LaRosa stated he was aware of the issues and Plaintiff was then handed a written warning for not being productive. Plaintiff refused to sign the warning and advised that this warning was retaliation. Plaintiff also stated to Mr. LaRosa that this was an example of how she was being treated, but he appeared uninterested. Plaintiff asked since it appear that no one was going to do anything could Mr. LaRosa fire her. After being handed the warning Plaintiff just started to cry

as she had tried so hard to rise above all of the discriminatory conduct and finally hit a wall. Plaintiff had been begging to be moved off of the UA team and has documentation of Ms. Tringo's harassment and discrimination based on Plaintiff's race and protected activities complaining of racial discrimination. Plaintiff told Mr. LaRosa that if she was a white man and black women were complaining, the situation would be handled differently and that simply because Ms. Tringo and Plaintiff are both African American women, that no one was doing anything to stop her. Ms. Tringo's harassment and discriminatory conduct towards Plaintiff is amply documented but nothing was done. Plaintiff felt this was unfair, and yelled to Ms. Tringo and Mr. LaRosa: "fire me", "you guys are killing me." Mr. LaRosa stated he was not going to fire Plaintiff and that she was an excellent case manager with a bright future ahead of her. This was an admission by the Defendants regarding Plaintiff's excellent performance. After this meeting the Plaintiff went back to training and called HR.

PROTECTED ACTIVITY

58. On April 25, 2018, Plaintiff spoke with Ms. Garrison in HR and advised her that the written warning was the final straw and Plaintiff was calling CHRO to file a discrimination claim. Ms. Garrison advised Plaintiff she had the right to call CHRO. Plaintiff thereafter called CHRO to file an official complaint.

59. On April 25, 2018, Plaintiff filed a dual complaint via telephone of discrimination with the CHRO and the EEOC alleging race discrimination and retaliation.

ADVERSE ACTION

60. On April 26, 2018, Plaintiff was in STD training while trainer Jennifer Brooks (hereinafter “Ms. Brooks”) was going over a procedure. Plaintiff advised Ms. Brooks that the UA team was not following this procedure. Ms. Brooks asked Plaintiff to send Ms. Tringo an email to advise that the UA team needed to follow procedure. Plaintiff complied with Ms. Brooks’ request and thereafter received an email from Ms. Iddruis relating that Ms. Tringo went “off” about Plaintiff’s email and that yet again had engaged in mocking the Plaintiff. Ms. Tringo stated that Plaintiff needed to mind her own business and train. Ms. Premo and Mr. LaRosa agreed and stated that Plaintiff didn’t know what she was talking about and the refrain of “Here we go with the questions” was heard. Ms. Iddruis told Plaintiff that Ms. Tringo, Mr. LaRosa, Ms. Premo and Ms. Stacie Zeibowski were all engaged in this conduct.

61. Plaintiff informed Ms. Brooks and Ms. Moore about this conduct and Ms. Moore stated that this was typical behavior. Plaintiff asked Ms. Brooks for a break from training and was advised not to go upstairs. Ms. Brooks stated she was going to email Ms. Tringo to let her know that she had asked Plaintiff to send the email and that mocking was not acceptable.

62. On May 7, 2018, Plaintiff received a call from Ms. Garrison who advised Plaintiff that her investigation was completed and that she found no racial issues. Ms. Garrison pointed out both Ms. Tringo and Plaintiff are biracial and Plaintiff stated she failed to see the connection or relevance. More importantly, Plaintiff asked how Ms. Garrison knew her racial background since her application on file with Metlife listed her race only as Black and Plaintiff never told Ms. Garrison that she was biracial. Ms. Garrison stated she wanted to come up with a plan for Plaintiff and Ms. Tringo to become friends. Plaintiff asked how an investigation was conducted if Ms. Garrison had not talked to any witnesses to which she stated she had spoken with Ms. Tringo and others. Plaintiff asked what witnesses had been interviewed but was told that due to

privacy requirements that no details could be provided. Plaintiff pointed out that she could prove Ms. Garrison was lying, and that she did not speak to any one on the UA team. While on the phone, Plaintiff asked Ms. Iddruis if she received a call from HR regarding Plaintiff and Ms. Iddruis stated she never received a call. Ms. Moore was out of the country at the time on bereavement leave. Amanda also stated she never got a call and Ms. Ryan and Ms. Premo were not in the office. Plaintiff stated this was a profound example of how Metlife failed or refused to take her complaints seriously as an investigation without speaking to witnesses is not an investigation. Plaintiff told Ms. Garrison she was going to call MetLife's president to let him know Metlife does not know how to handle racism. Lastly, Plaintiff stated MetLife's failure to act was going to lead to someone getting hurt and/or the Bloomfield police being called.

PROTECTED ACTIVITY

63. On May 15, 2018, Plaintiff met with CHRO to file a racial discrimination claim against MetLife, as a follow up to her telephone call.

64. On May 25, 2018, Ms. Zeibowski and Mr. LaRosa called a UA team meeting. At this meeting Ms. Zeibowski stated this was the worst team and that they allegedly were manipulative. Plaintiff and Ms. Iddruis spoke up that this name calling was unacceptable. Ms. Tringo stated how Ms. Zeibowski delivered the message was wrong but that the statement was true.

65. On June 4, 2018, at a UA team meeting Ms. Iddruis stated she wanted to talk about the low team morale and stated she felt like they were separate. Plaintiff stated: "there looks like a perception of a racial divide." The UA team was then made up of three African American and three Caucasian staffers. Ms. Ryan, Ms. Russo and Ms. Premo are Caucasian. Plaintiff, Ms. Moore and Ms. Iddruis are African American. Plaintiff explained that Ms. Ryan,

Ms. Russo and Ms. Premo sent thank you notes to each other but never sent thank you notes to Plaintiff, Ms. Moore or Ms. Iddruis. These thank you notes are called center stage and are sent out to all Metlife employees and such actions give the impression that the African American UA team members are not helpful. Plaintiff never called anyone a racist at this meeting, nor at any other time during the tenure of her employment.

ADVERSE ACTION

66. On June 6, 2018, Plaintiff took an approved day off. On that same day, Ms. Tringo held a UA team meeting in Plaintiff's absence. Ms. Tammy Moore called Plaintiff after the meeting and told her that during this meeting Ms. Tringo asked the UA team how they felt "when Stefanie called them racists." Plaintiff never made this statement as quoted, but did say in a prior team meeting that there was the perception of a racial divide in the team. Ms. Moore stated that Ms. Ryan and Ms. Premo were upset and that Ms. Tringo directed them to call HR and report Plaintiff. This was a retaliatory act promoted by Ms. Tringo against the Plaintiff.

PROTECTED ACTIVITY

67. On June 6, 2018, Plaintiff filed a police report complaining of a hostile work environment and racial discrimination. On information and belief, the Defendants were immediately notified of the police report filed by Plaintiff.

ADVERSE ACTION AND PROTECTED ACTIVITY

68. On June 7, 2018, the UA team had a morning meeting at which Ms. Tringo asked how everyone was doing. Ms. Ryan stated she was still upset about Plaintiff's comment. Before Plaintiff could reply, Ms. Tringo stated that the UA team was going to have a further meeting at 2 p.m. to discuss Plaintiff's comments. Thereafter, Plaintiff approached Ms. Premo in the cafeteria and asked her if she heard Plaintiff call anyone a racist. Ms. Premo stated Plaintiff

did not call anyone a racist, but that Plaintiff talked about racial problems all the time. At this further meeting Plaintiff was ambushed by Ms. Ryan, Ms. Stacy Zeibowski, Ms. Premo and Ms. Tringo. Ms. Ryan stated Plaintiff was crazy, needed help, and that she felt sorry for Plaintiff. She went on to say racism doesn't exist. Ms. Premo also stated that Plaintiff needed help, but Plaintiff interrupted Ms. Premo, and asked Ms. Tringo if she was going to stop the coordinated attack. Ms. Tringo said no and that they had a right to speak out. Plaintiff asked that the personal attacks against her stop. Ms. Premo began to yell that she was not a racist. Ms. Zeibowski stated that Plaintiff had hurt her feelings by calling her a racist. Plaintiff reiterated that she never called anyone a racist. Plaintiff stated she knew that Ms. Tringo had met with everyone but Plaintiff and repeated that she had never called anyone a racist. At this point in time Ms. Premo stood up and leaned towards Plaintiff who moved away and asked Ms. Premo to back up. Ms. Tringo then yelled that she was calling HR to report that Plaintiff had called everyone a racist. Plaintiff responded by telling Ms. Tringo she could call but not to lie to HR. Ms. Premo once more stood up and Plaintiff told her to not take another step towards her. Plaintiff then walked out of the meeting and called CHRO to inquire if she could add the ambush to her complaint. Plaintiff spoke with Dedra Morris and explained what happened. Plaintiff was advised to immediately go to the Bloomfield police department and file a harassment complaint, which she did.

69. Subsequently on June 8, 2018, at a UA team meeting Ms. Ryan told Plaintiff that Ms. Tringo was talking about her vagina. Specifically, Ms. Tringo was heard to say "Stefanie does not want to hear about my vagina." Plaintiff could no longer take this abusive environment and upon returning to her desk called her doctor. Plaintiff told her doctor that the stress by Ms. Tringo and Metlife was causing her chest pains and anxiety attacks. Plaintiff's doctor told her to file for leave of absence. Plaintiff thereafter filed a claim for short and long term disability leave

of absence. As of June 8, 2018, Plaintiff has been on long term disability for major depression disorder and severe panic attacks caused directly by Defendants unlawful behavior.

70. On December 4, 2019, Plaintiff filed the instant litigation against the Defendants.

**IV. COUNT ONE: PLAINTIFF'S RACE DISCRIMINATION
CLAIM PURSUANT TO 42 U.S.C. § 1981 AGAINST ALL
DEFENDANTS**

71. Plaintiff hereby repeats and realleges paragraphs 1 to 70 as if more fully pleaded at length herein.

72. Defendants conduct, by and through its agents, in treating Plaintiff in the manner unequal to other employees, discriminatorily denied Plaintiff equal treatment on the basis of her race in violation of 42 U.S.C. § 1981 in the terms, conditions and privileges of her employment.

73. Defendants in failing to adequately investigate and remedy the treatment to which Plaintiff was subjected, despite the Defendants knowledge of the conduct, discriminatorily denied Plaintiff equal treatment on the basis of race in violation of 42 U.S.C. § 1981 in the terms, conditions and privileges of her employment. Plaintiff was intentionally subjected to a racially motivated hostile work environment that was permeated with discriminatory intimidation, ridicule and insult. The harassment Plaintiff experienced was sufficiently severe and/or pervasive so as to adversely alter her working conditions and cause her intentional emotion distress, depressed feeling and physical harm.

74. The discriminatory acts of the Defendants as described above were intentional and were substantially motivated on the basis of Plaintiff's race.

75. As a result of the Defendants conduct, Plaintiff has suffered and will continue to suffer past and future economic, physical and emotional harm.

76. Defendants should be held liable on this count and Plaintiff should be awarded all appropriate relief.

**V. COUNT TWO: PLAINTIFF'S CLAIM FOR RETALIATION
PURSUANT TO 42 U.S.C. § 1981 AGAINST ALL
DEFENDANTS**

77. Plaintiff hereby repeats and realleges paragraphs 1 to 76 as if more fully pleaded at length herein.

78. Defendants' conduct, by and through its agents, in retaliating against Plaintiff denied Plaintiff equal treatment on the basis of race in violation of 42 U.S.C. § 1981.

79. Defendants, in failing to adequately investigate and remedy the treatment to which Plaintiff was subjected to, despite the Defendants knowledge of the conduct, discriminatorily denied Plaintiff equal treatment on the basis of race in violation of 42 U.S.C. § 1981.

80. Moreover, once Plaintiff discovered and witnessed the discriminatory actions by the Defendants and its employees, she immediately protested such racism. The Defendants then retaliated against Plaintiff, altering her terms, conditions and privileges of employment. Defendants retaliatory conduct violated 42 U.S.C. § 1981.

81. The retaliatory acts of the Defendants as described above were intentional, willful and were motivated on the basis of Plaintiff's protected activity.

82. As a result of Defendants conduct, Plaintiff has suffered and will continue to suffer past and future economic, physical and emotional harm.

83. Defendants should be held liable on this count and Plaintiff should be awarded all appropriate relief.

VI. COUNT THREE: RACE DISCRIMINATION PURSUANT TO TITLE VII, 42 U.S.C. § 2000e et. seq. AGAINST ALL DEFENDANTS

84. Plaintiff hereby repeats and realleges paragraphs 1 to 83 as if more fully pleaded at length herein.

85. Defendants conduct, by and through its agents, in treating Plaintiff in the manner unequal to other employees, discriminatorily denied Plaintiff equal treatment on the basis of her race in violation of 42 U.S.C. § 2000e et.seq. in the terms, conditions and privileges of her employment.

86. Defendants in failing to adequately investigate and remedy the treatment to which Plaintiff was subjected, despite the Defendants knowledge of the conduct, discriminatorily denied Plaintiff equal treatment on the basis of race in violation of 42 U.S.C. § 2000e et.seq. in the terms, conditions and privileges of her employment. Plaintiff was intentionally subjected to a racially motivated hostile work environment that was permeated with discriminatory intimidation, ridicule and insult. The harassment Plaintiff experienced was sufficiently severe and/or pervasive so as to adversely alter her working conditions and cause her intentional emotion distress, depressed feeling and physical harm.

87. The discriminatory acts of the Defendants as described above were intentional and were substantially motivated on the basis of Plaintiff's race.

88. As a result of the Defendants conduct, Plaintiff has suffered and will continue to suffer past and future economic, physical and emotional harm.

89. Defendants should be held liable on this count and Plaintiff should be awarded all appropriate relief.

VII. COUNT FOUR: RETALIATION DISCRIMINATION PURSUANT TO TITLE VII, 42 U.S.C. § 2000e *et. seq.* AGAINST ALL DEFENDANTS

90. Plaintiff hereby repeats and realleges paragraphs 1 to 89 as if more fully pleaded at length herein.

91. Defendants' conduct, by and through its agents, in retaliating against Plaintiff denied Plaintiff equal treatment on the basis of race in violation of 42 U.S.C. § 2000e *et. seq.*

92. Defendants, in failing to adequately investigate and remedy the treatment to which Plaintiff was subjected to, despite the Defendants knowledge of the conduct, discriminatorily denied Plaintiff equal treatment on the basis of race in violation of 42 U.S.C. § 2000e *et. seq.*

93. Moreover, once Plaintiff discovered and witnessed the discriminatory actions by the Defendants and its employees, she immediately protested such racism. The Defendants then retaliated against Plaintiff, altering her terms, conditions and privileges of employment. Defendants retaliatory conduct violated 42 U.S.C. § 2000e *et. seq.*

94. The retaliatory acts of the Defendants as described above were intentional, willful and were motivated on the basis of Plaintiff's protected activity.

95. As a result of the Defendants conduct, Plaintiff has suffered and will continue to suffer past and future economic, physical and emotional harm.

96. Defendants should be held liable on this count and Plaintiff should be awarded all appropriate relief.

VIII. COUNT FIVE: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS AGAINST ALL DEFENDANTS

97. Plaintiff hereby repeats and realleges paragraphs 1 to 96 as if more fully pleaded at length herein.

98. Plaintiff can successfully establish a prima facie case of intentional infliction of emotional distress against Defendants by showing that: (1) Defendants knew or should have known that emotional distress was a likely result of their discriminatory conduct; (2) Defendants discriminatory conduct resulted in Plaintiff experiencing severe emotional distress that caused her to apply and receive short and long term disability leave of absence; (4) Defendants conduct caused Plaintiff extreme emotional distress.

99. It is outrageous and utterly intolerable that Defendants discriminated against Plaintiff, a high performing, long term employee, simply because she has complained of discrimination and retaliation based on her race.

100. Plaintiff suffered extreme physical manifestations of stress and anxiety including but not limited to anxiety, panic attacks, depression, chest pain, shortness of breath, and difficulty sleeping, that have required ongoing medical and psychological treatment. She has been prescribed medication to address these medical issues. Plaintiff has suffered damages because of Defendants intentional infliction of emotional distress.

101. As a result of the Defendants conduct, Plaintiff has suffered and will continue to suffer past and future economic, physical and emotional harm.

102. Defendants should be held liable on this count and Plaintiff should be awarded all appropriate relief.

IX. COUNT SIX: BREACH OF IMPLIED COVENANT OF GOOD FAITH AND FAIR DEALING AGAINST ALL DEFENDANTS

103. Plaintiff hereby repeats and realleges paragraphs 1 to 102 as if more fully pleaded at length herein.

104. Plaintiff entered into an at-will employment relationship with Defendants. Plaintiff reasonably expected to be treated fairly in her employment and in any employment agreements she entered into with Defendants.

105. Defendants have acted in bad faith by knowingly and intentionally discriminating and retaliating against Plaintiff because of her race and protected activities to complain of race discrimination.

106. As a result of the Defendants conduct, Plaintiff has suffered and will continue to suffer past and future economic, physical and emotional harm.

107. Defendants should be held liable on this count and Plaintiff should be awarded all appropriate relief.

X. COUNT SEVEN: HOSTILE WORK ENVIRONMENT AGAINST ALL DEFENDANTS

108. Plaintiff hereby repeats and realleges paragraphs 1 to 107 as if more fully pleaded at length herein.

109. Plaintiff was subjected to a hostile work environment by Defendants based on the facts asserted herein, pursuant to Title VII and 42 U.S.C. § 1981.

110. Plaintiff will be able to successfully demonstrate that the environment at her employment was subjectively and objectively hostile and abusive and that the hostile and abusive behavior was the direct result of Defendants discriminatory and retaliatory animus towards her because of race and her protected activities to complain about race discrimination.

111. The hostile and abusive conduct alleged herein was severe and pervasive and interfered with the terms, conditions, and privileges of Plaintiff's employment.

112. Plaintiff complained to management and to human resources about the race discrimination and retaliation she was experiencing.

113. Despite multiple communications with management and human resources reporting this hostile behavior, Defendants ignored Plaintiff's complaints and did not take steps to correct it.

114. As a result of the Defendants conduct, Plaintiff has suffered and will continue to suffer past and future economic, physical and emotional harm.

115. Defendants should be held liable on this count and Plaintiff should be awarded all appropriate relief.

XI. DEMAND FOR RELIEF

WHEREFORE, Plaintiff requests the following relief:

A. Declare that Defendants intentionally and willfully discriminated against Plaintiff on account of her race pursuant to 42 U.S.C. § 2000e et.seq. and 42 U.S.C. § 1981;

B. Declare that Defendants intentionally and willfully retaliated against Plaintiff on account of her race and protected activities pursuant to 42 U.S.C. § 2000e et.seq. and 42 U.S.C. § 1981;

C. Declare that Defendants are liable for creating a hostile work environment;

D. Declare that the Defendants breached the covenant of good faith and fair dealing it owed to Plaintiff;

E. Declare that Defendants caused Plaintiff emotional distress;

- F. Award of compensatory to Plaintiff;
- G. Award of punitive damages to Plaintiff;
- H. Award attorney's fees and costs to Plaintiff;
- I. Award of interest and costs to Plaintiff; and
- J. Award such other relief in law or equity as this Court deems just and appropriate

in the circumstances.

JURY TRIAL DEMANDED

Plaintiff respectfully requests a jury trial on all questions of fact raised by her First Amended Complaint.

PLAINTIFF,
STEFANIE CUNNINGHAM

 /s/

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 /s/

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Her Attorney

EXHIBIT A

EEOC Form 161 (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Stefanie Cunningham
26 Charter Road
Ellington, CT 06029

From: New York District Office
33 Whitehall Street
5th Floor
New York, NY 10004

On behalf of person(s) aggrieved whose identity is CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No. 16A-2018-01146
EEOC Representative Holly M. Shabazz, State & Local Program Manager
Telephone No. (929) 506-5316

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
Your allegations did not involve a disability as defined by the Americans With Disabilities Act.
The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge
The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
[X] The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
Other (briefly state)

- NOTICE OF SUIT RIGHTS -
(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

On behalf of the Commission

Handwritten signature of Kevin J. Berry

Kevin J. Berry, District Director

October 16, 2019

(Date Mailed)

Enclosures(s)

cc: METLIFE INSURANCE COMPANY
Attn: Shaun C. Reid - Senior Counsel
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New York, NY 10166

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