

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT**

ALISON SCHMECK, M.D.,

Plaintiff,

v.

YALE UNIVERSITY AND YALE NEW HAVEN
HOSPITAL, INC.,
Defendants.

CIVIL ACTION NO:

MAY 15, 2025

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff, Dr. Alison Schmeck, MD, by and through the undersigned counsel, Carey & Associates, P.C., files this Complaint against Defendants, Yale University (hereinafter the “University”), and Yale New Haven Hospital, Inc. (hereinafter “YNHH” or the “Hospital”), (collectively the “Defendants”). Plaintiff alleges as follows:

INTRODUCTION

1. On or about January 11, 2023, Dr. Alison Schmeck (hereinafter, “Plaintiff”), was suffering from significant burnout and symptoms of depression. After working the exhaustive and intolerable work schedule that Plaintiff had been forced to work in the OB Division, completing a rigorous cardiac fellowship, and suffering a significant amount of distress due to harassment under her superiors, Plaintiff attended a meeting with Dr. Lisa Leffert, Chair of the Department of Anesthesiology in the Yale School of Medicine. In this meeting, Dr. Leffert referred to Plaintiff’s deteriorating mental health as “baggage,” and then directly following this comment in that same meeting, told Plaintiff to leave Yale several times by telling her to “go somewhere else.” Plaintiff suffers from depression which was known by Dr. Leffert and the Defendants when the discriminatory and retaliatory comments were made.

2. Early after Plaintiff began her career at Yale beginning on July 1, 2019, she quickly learned that the culture at YNHH was one mired in harassment fueled by misogyny. See Colleen S. Walter, Academic Medical Centers and the Broad Reach of Title IX: Castro, et al. v. Yale University, et al., Nat'l L. Rev., Aug. 3, 2021, <https://natlawreview.com/article/academic-medical-centers-and-broad-reach-title-ix-castro-et-al-v-yale-university-et>.

3. Throughout her tenure, Plaintiff would seek and be denied a workplace free from discriminatory harassment. Ultimately, Plaintiff received the retaliation she feared, i.e. stigma, would be the result of her efforts to improve her workplace when she was informed at the end of 2023 that her contract would be terminated on June 30, 2024.

4. In 2024, for the fourth year in a row, six out of ten physicians reported they often have feelings of burnout, compared to four in ten before the pandemic in 2018. More than half of physicians reported knowing of a physician or colleague or peer who has considered, attempted, or died by suicide. See The Physicians Foundation, 2024 Survey of America's Current and Future Physicians (2024), <https://physiciansfoundation.org/wp-content/uploads/2024-Survey-of-Americas-Current-and-Future-Physicians.pdf>.

5. For the third year in a row, nearly eight in ten physicians (77%), agreed that there is stigma surrounding mental health and seeking mental health care among physicians. Half of physicians or more shared that their workplace rarely or never acts on eleven of the sixteen evidence-based well-being solutions identified within this survey to support physicians, and 79% of physicians found that a reduction in administrative burdens would be helpful to their mental health. *Id.*

PRELIMINARY STATEMENT

6. The Plaintiff comes before this Court and asserts claims for: (1) discrimination based on sex pursuant to Title VII, 42 U.S.C. § 2000e (hereafter, “Title VII”); (2) discrimination based on sex pursuant to the Connecticut Fair Employment Practices Act, Conn. Gen. Stat. §46a-60(a) (hereafter, “CFEPA”); (3) hostile work environment based on sex in violation of Title VII; (4) hostile work environment based on sex in violation of CFEPA; (5) illegal retaliation in violation of Title VII; (6) discrimination based on disability in violation of the Americans with Disabilities Act, 42 U.S.C. § 12101, *et seq.*, (hereafter, “ADA”); (7) discrimination based on disability in violation of CFEPA; (8) illegal retaliation in violation of ADA; (9) Discrimination in Violation of Title IX (10) Illegal Retaliation in Violation of Title IX (11); Whistleblower Retaliation Pursuant to Conn. Gen. Stat. § 31-51q; (12); Violation of Title III of the Americans with Disabilities Act (S.C. § 12181 *et seq.*); (13) wrongful termination in violation of public policy; (14) negligent infliction of emotional distress; and (15) intentional infliction of emotional distress.

7. This action is therefore based on the bad faith actions taken by Defendants to illegally retaliate against the Plaintiff for reporting unlawful discrimination and harassment and Defendant’s efforts to silence the Plaintiff included but not limited to her unlawful and retaliatory termination.

PARTIES

8. Plaintiff, Dr. Alison Schmeck, is a licensed anesthesiologist, who at all relevant times was a resident of New Haven, Connecticut and who worked in Connecticut for Defendants.

9. Yale University is an academic university and educational institution that receives financial assistance from the Federal government. Yale University operates a School of Medicine

and works in conjunction with Yale New Haven Hospital (“YNHH”) to operate a medical residency program, the mission and purpose of which is educational. At all relevant times, Defendants, Yale University, previously employed Plaintiff, controlled the terms and conditions of Plaintiff’s employment, and qualifies as an employer and/or joint employer under all relevant statutes. On information and belief, Yale University and YNHH are considered joint employers, as they share a common management, common human resource management, common internal email system and common ownership.

10. Yale New Haven Hospital, Inc. is a teaching hospital and works in conjunction with Yale University to use staff, residents, and students to provide medical services to the public. YNHH is also a private, non-profit, corporation that is principally engaged in the business of providing health care and receives financial assistance from the Federal government. At all relevant times, Defendants YNNH employed Plaintiff, controlled the terms and conditions of Plaintiff’s employment, and qualifies as an employer and/or joint employer under all relevant statutes. On information and belief, Yale University and YNHH are considered joint employers, as they share a common management, common human resource management, common internal email system and common ownership.

JURISDICTION AND VENUE

11. This Court has subject-matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1343 as this action involves federal questions regarding the deprivation of Plaintiffs’ rights under federal law, namely Title VII and ADA. The Court has supplemental jurisdiction over Plaintiffs’ related claims arising under state law pursuant to 28 U.S.C. § 1367(a).

12. Venue is proper pursuant to 28 U.S.C. § 1391(b) because both the University and YNHH maintain their principal executive offices in this District, and a substantial part of the acts

omissions giving rise to this action, including the unlawful employment practices alleged herein, occurred in this District.

PROCEDURAL PREREQUISITES

13. Plaintiff filed a charge of discrimination on the basis of sex, disability, and for retaliation with the Connecticut Commission on Human Rights and Opportunities (CHRO) on or about April 25, 2024, and the United States Equal Employment Opportunity Commission (EEOC) on or about April 25, 2024.

14. On May 8, 2025, the CHRO issued a Release of Jurisdiction for CHRO No. 2430640. The Release of Jurisdiction is attached hereto as “**Exhibit A.**”

15. On May 8, 2025, the EEOC issued a Notice of Right to Sue for EEOC No. 16A-2024-01070. The Notice of Right to Sue is attached hereto as “**Exhibit B.**”

16. All administrative prerequisites to the institution of this action have been satisfied.

FACTUAL ALLEGATIONS

17. Plaintiff completed medical school in 2009 with a degree of Doctor of Medicine (MD). She is triple board certified having received her board certification in Anesthesiology in 2015, Adult Cardiac Anesthesiology in 2023, and the National Board of Echocardiography in 2024.

18. Plaintiff is female and is diagnosed with depression. Plaintiff disclosed a prior history of a mental health diagnosis and treatment during the credentialing process at Yale after suffering several significant personal losses during her first year of medical school.

19. Plaintiff was recruited to work for Defendant by the former Chair of the Department of Anesthesiology, Dr. Roberta Hines, to work at the Saint Raphael Campus (“SRC”) starting on July 1, 2019, where she would continue to work until July 31, 2021.

ADVERSE ACTION

20. While working at SRC, Plaintiff experienced discrimination based on sex by the Division Chief, Dr. Dan Lombardo (male). Dr. Lombardo was assigning both Plaintiff and Dr. Naheed Lone (female) nearly double the caseload in comparison to their male colleagues at SRC almost every day.

21. Additionally, Dr. Lombardo would regularly target Plaintiff by assigning her to work in the operating rooms that started early on Friday mornings during the Departmental Grand Rounds, which Plaintiff regularly tried to engage with and participate in as required by the department, while letting her male colleagues sleep in an extra hour.

22. Additionally, Dr. Lombardo only assigned the female physicians, including Plaintiff, to the solo OR assignments, a less favored assignment by most, meaning no student, resident, or CRNA supervision.

23. During the COVID pandemic, Plaintiff was being bullied by Dr. Jeff Pan, a male physician and colleague at SRC.

24. The bullying started when Dr. Pan told Plaintiff about Alpha Protech N-95 masks for sale on eBay. Dr. Pan purchased 5 more boxes at the time for a total of 15 boxes in his possession, and Plaintiff purchased 4 boxes with her own personal funds for the purpose of providing them to her mother, an operating room nurse, who was at the time taking care of her ailing grandmother. Her mother and her grandmother are Plaintiff's only close living relatives. There was neither a discussion nor an agreement otherwise between Plaintiff and Dr. Pan about the final disposition of the masks.

ADVERSE ACTION

25. Once the masks shipped, Dr. Pan began harassing Plaintiff for the whereabouts of the masks she had purchased. He told her that he had informed Dr. Lombardo that she purchased the masks and demanded that she bring them in and share them with the group despite the fact that they were purchased with her own money and for her and her family's own personal use. When Plaintiff tried to explain her plans for the masks she purchased, Dr. Pan became adversarial with her proceeded to inform her that she was "not unique, not a delicate snowflake, and if he had information like this again, he would not be sharing it with her."

26. Dr. Pan then proceeded to make a martyr of himself by handing out his masks to their colleagues, and spread rumors that Plaintiff was hoarding PPE.

27. It began weighing on Plaintiff, and despite knowing that Dr. Pan was bullying her, Dr. Lombardo did nothing to stop it. He instead acted to protect Dr. Pan.

ADVERSE ACTION

28. Around the same time, when the sexual harassment allegations broke in the news about Andrew Cuomo, Dr. Rocco Marando made a disgustingly misogynistic comment critical of women to Dr. Lombardo and Plaintiff. He accused women of being hypocritical for just now speaking out against sexual harassment when only a few years prior women were using sex to further advance their careers.

ADVERSE ACTION

29. A separate issue arose when Dr. Marando became irate during a dispute involving an office desk with another female colleague, Dr. Anitha Kalari. Dr. Marando told Dr. Lombardo, in Plaintiff's presence, that "this problem could be solved with a small handgun."

30. At the time, Plaintiff was afraid to report these situations at SRC to Dr. Hines, but given

the escalating tensions did instead report it anonymously to Dr. Darin Latimore, Deputy Dean for Diversity and Inclusion. Plaintiff was aware that Dr. Hines was being accused of responding to sexual harassment claims made by female residents and female faculty against a male superior and physician in the department by saying, “boys will be boys.”

31. Plaintiff kept her head down, putting up with all of this for over a year, until an opportunity came when Dr. Trevor Banack, Vice Chair of Clinical Operations, came to SRC to meet with Plaintiff and Dr. Lombardo in his capacity as a member of the professionalism committee.

PROTECTED ACTIVITY

32. On or about May 19, 2021, during a meeting with Dr. Banack and Dr. Lombardo, Plaintiff explained to Dr. Banack that she was being bullied at SRC by Jeff Pan, and that it was becoming intolerable.

PROTECTED ACTIVITY

33. Plaintiff followed up after the meeting with a phone call to Dr. Banack to explain that Dr. Lombardo was not only protecting Dr. Pan, but also enabling the abuse of female staff. She explained that Dr. Lombardo he was not only assigning Plaintiff to nearly double the caseload in comparison to her colleagues every day but also assigning her to the OR’s that started at early at 7:30am during Departmental Grand Rounds on Fridays. Plaintiff expressed worry about whether she could continue at SRC with this ongoing discriminatory conduct.

34. In response, Dr. Banack facilitated setting up meetings for Plaintiff with both Andrea Terrillion, Director of Professionalism and Leadership Development in the Office of Academic and Professional Development, and with Dr. Roberta Hines, former Chair, Department of Anesthesiology.

PROTECTED ACTIVITY

35. On or about June 14, 2021, Plaintiff met with Ms. Terrillion and, concerned about the toll it was taking on her mental health, explained the discriminatory treatment she was experiencing, and expressed excitement over leaving the SRC to join the OB Anesthesiology Division at the York Street Campus (“YSC”).

PROTECTED ACTIVITY

36. During the meeting with Dr. Hines, Plaintiff found Dr. Hines to be nothing but supportive, listening to Plaintiff’s concerns intently and expressed her most sincere sympathy. Dr. Hines agreed with Plaintiff that leaving SRC was in the best interests of Plaintiff and her patients and facilitated a move to the YSC.

37. On or about August 1, 2021, Plaintiff began working at the YSC in the OB Anesthesiology Division under Division Chief, Dr. Aymen Alian (male).

38. On or about August 16, 2021, Dr. Lisa Leffert, an Obstetric Anesthesiologist like Plaintiff, joined Yale to replace Dr. Hines as the new Chair of the Department of Anesthesiology.

39. On or about September 10, 2021, Dr. Leffert requested Plaintiff attend an introductory meeting with her during which meeting they discussed Plaintiff’s career interests, in particular her participation in a cardiac fellowship that would take place the following academic year.

40. Looking forward to her participation in a cardiac fellowship in a year’s time, Plaintiff began working at the YSC with high hopes that she would have a better experience and that the negative work culture was exclusive to SRC. However, around the time of Dr. Leffert’s arrival, Plaintiff was becoming concerned that she was being pushed by Dr. Alian to become credentialed at the Bridgeport Hospital (“BH”).

PROTECTED ACTIVITY

41. Despite her stated wishes to be excluded from clinical work at BH, especially given her prior arrangements to begin a cardiac fellowship on July 1, 2022, the Plaintiff participated in the credentialing process—though it would only remain relevant for a few months before the start of her fellowship. Plaintiff explained to Dr. Leffert that she did not want to be credentialed at Bridgeport Hospital, but felt she was being pressured to do so by Dr. Alian and was again concerned about being retaliated against if she stood up for herself and stopped the process. Plaintiff privately disclosed to Dr. Leffert the abuse she and other women endured at SRC.

42. Such credentialing processes have been identified as stressful, particularly for female physicians, among whom 60% polled indicated that a change in or removal of medical licensure questions that stigmatize accessing behavioral health care is a change that would help overall physician mental health. See The Physicians Foundation, 2024 Survey of America’s Current and Future Physicians (2024), <https://physiciansfoundation.org/wp-content/uploads/2024-Survey-of-Americas-Current-and-Future-Physicians.pdf>.

43. The already stressful crediting process became longer than anticipated with conflicting directions and individuals becoming involved that were not typically associated with the process.

44. In an October 12, 2021, email chain that included Plaintiff, Dr. Banack, Dr. Eugenia Vining, and Andrea Terrillion that resulted from a clinical incident on September 21, 2021, Dr. Elena Gutman wrote to provide the conclusions of an investigation which found that Plaintiff’s actions in the clinical situation were appropriate.

45. In the same email chain Dr. Leffert interjected to write, “Separately, there is some confusion about whether you do or do not want to be presented for credentialing at BH at this time. I had thought it was not based on our last conversation, but then received a call that you requested to do so. I am happy to work with you with either decision, but I think you will be best

served but using the usual pathway. Let me know yes or no, and then our office will proceed from there. Happy to speak with you at any time.”

46. Dr. Leffert ignored what Plaintiff told her in confidence at their in-person meeting which was that Plaintiff felt pressured by Dr. Alian to the point of having no choice but to engage in the credentialing process. Dr. Leffert also ignored other highly confidential topics discussed during this conversation, including disclosure about the abuse she and other women endured at SRC, which resulted in tears by the Plaintiff.

47. Plaintiff was taken aback by the change of direction of the email chain into a matter she thought was being handled in confidence and wrote, “No thanks.” She then added, “And I’m not sure what you mean by ‘I think you will be best served but using the usual pathway.’ I’ve had quite enough of this process actually.”

48. On or about October 20, 2021, Dr. Leffert responded by requesting a meeting with Plaintiff to include Ms. Terrillion in her capacity as Director of Professionalism, and accused Plaintiff of being highly unprofessional in her email response (See ¶¶ 45, 46, and 47 above). In the meeting, Dr. Leffert completely ignored the inappropriate nature of her own email by putting Plaintiff on the spot regarding a decision Plaintiff previously confided that she was afraid to announce due to fear of retaliation.

PROTECTED ACTIVITY AND ADVERSE ACTION

49. Additionally, during this October 20, 2021, meeting, when Plaintiff brought up the harassment she endured at the hands of her male colleagues, Dr. Leffert responded by dismissing Plaintiff's concerns and insinuated that workplace harassment is going to happen, and victims just have to deal with it. Dr. Leffert then went on to explain that she had a medical malpractice case brought against her by someone for whom she was not the attending physician and felt it was

unfair, but she just kept going on despite that stain on her career. Dr. Leffert suggested that as she did with a medical malpractice suit, Plaintiff just needs to accept workplace harassment and move on.

50. Ms. Terrillion then gave Plaintiff the EAP contact information but failed to explain what the purpose of EAP was or why she felt providing the information was appropriate at that time.

51. Following Plaintiff's removal from the credentialing process at BH, Plaintiff was scheduled to work a schedule more rigorous compared to her other colleagues in the OB Anesthesia Division, or the entire Department of Anesthesiology.

ADVERSE ACTION

52. On or about January 1, 2022, through May 31, 2022, despite Plaintiff's request to work 24-hour weekday calls to limit the number of weekends she would have to work to make up her unit commitment, her request was denied, and she was given only three weekends off in five months, meaning Friday, Saturday, and Sunday free of call. In addition, she was being assigned six to eight calls per month, plus late calls in the main operating room.

ADVERSE ACTION

53. On or about July 1, 2022, Dr. Dillon Schafer (male), a new graduate, joined the department. Dr. Schafer began taking calls in OB at YSC; however, he did not just work the night shift. He requested, and was granted, 24-hour calls so he would not lose 1 unit by just working the night shift. Plaintiff requested the same and for the same reason. Her request was denied.

54. On or about February 23, 2022, Dr. Leffert requested to work with Dr. Schmeck in OB seemingly for the distinct purpose of watching her. That morning, Dr. Leffert asked Plaintiff how she wanted to divide up the work on OB. Exhausted, not only physically but also mentally and

emotionally by that point, now in her second month of working nearly every weekend, Plaintiff, confused by the question, plainly answered Dr. Leffert by stating the work is already divided. Despite the fact that Plaintiff was correct, Dr. Leffert, unaware that the roles actually were formally divided between the two attendings by Dr. Alian, was not pleased with her response, but Plaintiff would not find that out until their next meeting a month later.

PROTECTED ACTIVITY

55. On or about March 10, 2022, Plaintiff requested a meeting with Dr. Leffert to discuss her concerns about the exhaustive and unsafe schedule she was being forced to work on OB by Dr. Kristen Fardelmann under the direction of Dr. Alian.

56. Dr. Leffert refused to listen to Plaintiff, despite Plaintiff voicing concerns regarding her health, wellbeing, and safety, as well as patient safety should she continue to be forced to work this exhausting schedule without a reasonable amount of time off to rest. Dr. Leffert abruptly stated she could not do anything about her schedule, then promptly switched the subject to discuss her experience with Plaintiff on OB a month prior. Dr. Leffert falsely accused Plaintiff of not doing her job. Confused by the false accusation, Plaintiff again informed Dr. Leffert that the work was already divided on OB between the “floor person” and the “scheduled cesarean section person.” In response, Dr. Leffer stated, “well, that’s not what I saw.”

PROTECTED ACTIVITY

57. Throughout the next year, Dr. Leffert continued to be dismissive of Plaintiff’s concerns, while at the same time also insinuated that Plaintiff repeatedly brought up this issue with her schedule because of a mental health issue. Dr. Leffert insinuated that Plaintiff had mental health problems for not being able to move on from her concerns about her schedule on OB and the issues at SRC. However, Plaintiff kept bringing it up because she felt it was a matter of her

health, wellbeing, and safety, and patient safety, and because Plaintiff was frustrated that she was not being heard by Dr. Leffert but was instead regularly dismissed out of hand.

58. Plaintiff had already experienced severe mistreatment at SRC, and she was in a state of sensitivity when put into this new setting in OB with astoundingly similar mistreatment by her male superior, Dr. Alian.

59. On or about March 24, 2022, Plaintiff requested to meet with Dr. Leffert to discuss the ongoing concerns she had with Dr. Alian. Even though Plaintiff specifically set up this meeting to discuss her concerns with Dr. Leffert, Dr. Leffert did not let Plaintiff speak on her concerns and instead accused Plaintiff of poor communication among other things and insisted she was the problem.

60. Plaintiff was not provided with any opportunity by Dr. Leffert to address her concerns at the March 24, 2022 meeting despite the fact that numerous other colleagues also had interpersonal issues with and concerns about Dr. Aymen Alian. Mukadder Ozcan (female), for example, a faculty member in the DAMA Division who was graciously helping to cover calls in OB, requested to stop taking calls due to difficult interpersonal interactions with Dr. Alian.

61. Plaintiff was able to request at the meeting that she be considered for the Cardiac Anesthesiology Division following successful completion of her fellowship in Cardiac Anesthesiology.

62. Dr. Leffert misrepresented the Cardiac Division as being “oversubscribed,” and indicated that there would be no available positions for cardiac anesthesiologists completing fellowships for the foreseeable future.

PROTECTED ACTIVITY

63. On or about April 15, 2022, Plaintiff emailed Dr. Leffert to explain that she felt that she

was being mistreated by Dr. Alian and ignored by Dr. Leffert. She explained that the dysfunctional communication was becoming burdensome, stressful, and disheartening and that she felt Dr. Leffert was ignoring her concerns, which seemed to be an attempt by Dr. Leffert to sweep the problems under the rug.

PROTECTED ACTIVITY

64. On or about April 27, 2022, in response to the above-mentioned email (¶ 63), Dr. Leffert set up a meeting with herself, Plaintiff, and Andrea Terrillion to give Plaintiff an opportunity to discuss her concerns. Dr. Robert Rohrbaugh, Deputy Dean for Professionalism and Leadership Development in the Office of Academic and Professional Affairs, filled in for Ms. Terrillion at the last minute due to a personal issue. This meeting took place via Zoom, and Plaintiff observed Dr. Rohrbaugh taking hand-written notes throughout the encounter.

65. Plaintiff hoped that this additional meeting would serve as a much-needed opportunity to raise some issues she had been having in working for Dr. Alian. She also wanted to report a potential ethical violation that was disclosed to her by the OB Anesthesia Fellow, Dr. Pedro Acevedo. Dr. Acevedo disclosed to Plaintiff that Dr. Alian was directing him to enroll patients in Dr. Alian's studies despite their refusal to be enrolled.

66. At the meeting, Plaintiff again expressed her concerns about being retaliated against by Dr. Alian with the schedule she was being forced to work. Plaintiff also expressed her concerns for ongoing retaliation, especially after witnessing him being vindictive and retaliatory toward others in the division including Certified Registered Nurse Anesthetist (CRNA) Christie Hickman and Dr. Satrajit Bose.

67. Plaintiff was aware that Dr. Leffert had been informed of Dr. Alian's unethical research practices of enrolling patients in his studies who refused to be enrolled prior to her disclosure to

Dr.'s Leffert and Rohrbaugh on April 27, 2022. In late 2021, Plaintiff discussed her concern with colleague, Dr. Lars Helgeson, who was planning on leaving the department in December 2021. Dr. Helgeson agreed to bring up the issue with Dr. Leffert in a final meeting he had scheduled with her in December 2021 prior to his departure without mentioning the Plaintiff's name or her involvement in the situation. He followed up with the Plaintiff and confirmed that this meeting did in fact take place and that Dr. Leffert had been informed.

68. At the time of the April 27, 2022 meeting, it seemed to Plaintiff that Dr. Rohrbaugh was hearing this information for the first time, while it also seemed a surprise to Dr. Leffert that Plaintiff was the involved party who knew of the issue. Dr. Rohrbaugh followed up after the meeting via email to confirm the details of the incident.

69. Another issue Plaintiff raised of potential concern was Dr. Alian's financial relationship with the company that makes the drug Exparel. Dr. Alian instituted a standard of care at Yale that was not supported by best practice research and involved use of this drug Exparel. Specifically, he demanded that every faculty member perform a TAP Block with the drug Exparel on every OB patient who underwent a cesarean delivery whether they received neuraxial narcotics or not at both the YSC and BH. This policy raised ethical questions, because it was not supported by best practice research, and it was not common knowledge that Dr. Alian had a financial relationship with the company.

70. During the meeting, Plaintiff also expressed concern regarding Dr. Alian's managerial approach and his interactions with faculty, particularly his approach to discussions about issues, which was always one-sided and immediately accusatory and punitive.

71. One such issue involved a dispute over differing practices regarding whether patients should be allowed to wear a bra into the operating room during a cesarean delivery. Dr. Alian

avored high patient and colleague evaluations for the purposes of promotion over patient safety, and overlooked the fact that a bra can impede patient care and safety for three reasons: 1) It will impede or delay access to the patient's chest if the patient were to code; 2) The presence of street clothes in the operating room can increase the risk of contamination and infection; 3) In the practice of obstetric anesthesia, it can increase the risk of failed intubation in a pregnant patient due to engorged breasts being in the way, and an inability to use gravity to the physician's advantage by ramping the patient to move the breasts out of the way. Plaintiff's concern is supported by best practice literature within the field. The University of Vermont, for example, ramps every obstetric patient for cesarean delivery for this exact reason and concern.

72. On or about April 15, 2022, when she came in for her call shift, Dr. Alian confronted Plaintiff on the labor floor regarding her clinical approach to caring for the OB patients for cesarean delivery. He asked her why she wanted the OB patients to take their bras off for cesarean delivery. Despite the literature supporting this best practice, his tone and facial expression during questioning made her very uncomfortable—it was as if he was suggesting that she was gay and was doing so to look at the patient's breasts.

ADVERSE ACTION

73. During this discussion, Plaintiff also reported that she felt physically threatened by Dr. Alian. When Plaintiff explained to Dr. Alian that at the Mount Sinai Hospital in New York City ("NYC") where she successfully completed her OB Anesthesiology Fellowship, she was taught to practice conservatively with the patient's best interests and safety in mind always. She explained that for patient advocacy and standardization of patient safety, the leadership at Mount Sinai mandated removal of all patient undergarments and jewelry for cesarean delivery. In response, Dr. Alian became irate, clenched his fists, and shook his clenched fists at Plaintiff and

yelled at her, “why you bring that here?!”

PROTECTED ACTIVITY

74. Directly following this physical threat, Plaintiff sent an email to Dr. Leffert and requested to never meet with Dr. Aymen Alian alone again. Plaintiff soon learned that there were other faculty members within the OB Anesthesia Division who had requested an advocate to be present in their discussions with Dr. Alian for their safety.

75. With Dr. Rohrbaugh in the meeting this time, Plaintiff was able to convey her concerns, but she would later learn that those concerns and her whistleblowing would not be received well by Dr. Leffert.

76. On or about May 27, 2022, Plaintiff was working on OB with Dr. Antonio Gonzalez-Fiol. Plaintiff was assigned to be the scheduled cesarean section attending for the day. Dr. Gonzalez-Fiol was assigned to be the floor attending for the day. Dr. Alian was scheduled to come in for call at 4pm and relieve both Plaintiff and Dr. Gonzalez-Fiol. Dr. Alian came in several hours early, and only relieved Dr. Gonzalez-Fiol, even though Plaintiff had completed all her work. This is yet another example as it relates to scheduling practices at Yale and preferential treatment of males.

77. On or about July 1, 2022, Plaintiff would take a one-year academic leave of absence to participate in an Adult Cardiothoracic Anesthesiology Fellowship with a one-year extension of her initial three-year term. The next meeting with Dr. Leffert would not occur until December of 2022, midway through Plaintiff’s fellowship, at the request of Plaintiff.

78. On or about December 22, 2022, Plaintiff met with Dr. Leffert to discuss her return to her faculty position full-time following successful completion of her cardiac fellowship. She expressly stated that she was not interested in returning to the OB Division at that time but was

interested in working in other areas given her diverse skillset and especially excited to explore opportunities working in the Cardiac Division given her current fellowship.

79. At this meeting, convened for the purpose of planning the upcoming year around Plaintiff's genuine interests and concerns, there was no attempt made by Dr. Leffert to hide her hostility as she communicated harshly and aggressively towards Plaintiff. It was unclear to Plaintiff from where this hostility originated.

PROTECTED ACTIVITY

80. When Plaintiff again brought up her concerns about her schedule on OB, Dr. Leffert again responded to minimize and dismiss her concerns and likened it to Dr. Leffert's own experience of working while pregnant.

81. Given the difficulty with her schedule in the OB Division, in addition to the interpersonal issues that Plaintiff had experienced with Dr. Alian, and the communication difficulties surrounding these issues that Plaintiff had experienced with Dr. Leffert, Plaintiff explained to Dr. Leffert that she did not want to return to the OB Division immediately after the fellowship. Dr. Leffert then made a very bizarre comment by stating that she "understood that [Plaintiff] didn't like being in the operating room." Such a comment was wildly inconsistent with Plaintiff's statements, history, and her current efforts in the cardiac fellowship which takes place in the operating room and would obviously indicate a desire to be in the OR.

82. In addition, Dr. Leffert smugly stated 3 different times to Plaintiff, "well you're here asking me for a job." Plaintiff explained to Dr. Leffert that when Plaintiff was deciding whether to proceed with the fellowship, former chair Dr. Roberta Hines had made a guarantee to Plaintiff that her position would be saved for her and unaffected by the fellowship when she returned to a clinical faculty role at Yale. Dr. Leffert only responded to remind Plaintiff that Dr. Hines was no

longer the chair.

83. Ultimately, despite Plaintiff's voiced concerns about returning to OB under Dr. Alian, Dr. Leffert stated that "we will revisit the idea of you going back to OB next December (2023)."

ADVERSE ACTION

84. On or about Jan 11, 2023, Dr. Leffert requested a meeting with Plaintiff, Dr. Michael Ancuta, and Judith Ahearn to discuss Plaintiff's position if Plaintiff were to return to her faculty position at Yale. Ultimately, Plaintiff was informed by Dr. Leffert that she would only get a 1-year term, and renewal was contingent upon whether a "more positive faculty experience" could be achieved for Plaintiff. It was unclear what Dr. Leffert actually meant by that, and she made no attempt to elaborate on it.

85. It was this meeting, and in the presence of Dr. Ancuta and Ms. Ahearn, that Dr. Leffert referred to Plaintiff's deteriorating mental health issues as "baggage." In addition, following that comment and in this same meeting, Dr. Leffert repeatedly told Plaintiff to leave Yale by telling her to "go somewhere else!"

86. On or about February 10, 2023, Dr. Leffert requested Plaintiff attend a meeting with Dr. Rohrbaugh and herself. Plaintiff thought she understood the purpose of this meeting was to work through the communication difficulties she had been having with Dr. Leffert. This was Dr. Rohrbaugh's first introduction to said communication difficulties. This meeting occurred in person. Plaintiff observed that no one was taking handwritten notes during this meeting.

87. On or about February 16, 2023, after it was confirmed yet again by Plaintiff that she would not return to the OB Division upon completion of her cardiac fellowship, Dr. Michael Ancuta sent an email to the faculty asking for people to help in OB by picking up incremental incentive shifts.

PROTECTED ACTIVITY AND ADVERSE ACTION

88. When Plaintiff again tried to communicate issues related to her schedule on OB, Dr. Leffert dismissively insisted that Plaintiff was only assigned to work 3 weekends during the month of May 2022. When Plaintiff inquired as to whether her schedule was in retaliation for not going through with the credentialing process at BH by Dr. Alian, Dr. Leffert chose to lie and state that the cause of Plaintiff's exhaustive work schedule was due to the vacation that Plaintiff requested in June, which was to be used for a fertility procedure to harvest her eggs.

89. At this meeting, Dr. Leffert again tried to insinuate that Plaintiff was the common problem. Dr. Leffert, who was not even present at Yale during Plaintiff's time at SRC, stated that Plaintiff was the problem then. Dr. Leffert stated that it leads her to conclude that Plaintiff is therefore the problem now with both her and Dr. Alian.

90. Throughout the meeting, Dr. Leffert attempted to portray herself as kind and reasonable while denying the statements she said previously and open the hostility she expressed towards Plaintiff at the earlier meetings when Dr. Rohrbaugh was not present.

91. At this time, Plaintiff felt substantial mistrust towards Dr. Leffert due to the profound lack of sincerity, lies, attempts to paint herself as a victim, verbal abuse, discrimination, manipulation, and false accusations engaged in by Dr. Leffert all directed towards Plaintiff.

92. As had occurred in nearly every meeting with Plaintiff previously, Dr. Leffert again used the 'soundbite' of describing the Plaintiff as being "1 or 2 standard deviations from normal."

93. Dr. Leffert then strangely asked Plaintiff to come up with a "safe word" to be used by Plaintiff in their interactions going forward if their interactions began to feel uncomfortable. The Plaintiff wrote back explaining that her safe word, in an attempt to keep things lighthearted and positive, would be 'Squirrel.'

94. At the meeting, Plaintiff explained twice that she had 3 weekends off in 5 months to emphasize her concerns about a return to OB; however, Dr. Leffert attempted to refute the facts of her schedule in 2022 stating that Plaintiff had only worked several weekends in the month of May, and she blamed it on Plaintiff's vacation in June.

ADVERSE ACTION

95. On or about March 9, 2023, Plaintiff received formal notice via letter notifying her that she would only receive a one-year term.

96. On or about March 9, 2023, Plaintiff wrote an email to Dr. Leffert stating, "I have previously asked you in person what I did that was so egregious, but all I received from you was a nonresponse. I am not aware of anything that I have done to warrant such, and I'm not sure that being burned out because of being bullied/abused by departmental leadership and other departmental issues like being forced to work nearly every weekend for 5 months in a row is a reason to punish anyone."

97. On March 30, 2023, Dr. Leffert requested yet another meeting with the Plaintiff and Dr. Rohrbaugh, despite the Plaintiff's earlier plea during the February 10, 2023 meeting to postpone any further meetings until after she had completed her cardiac board exams, citing a need to focus on her fellowship. Dr. Leffert refused to listen to her concerns again and forced her to meet again for reasons that were still not entirely clear. No agenda was ever provided to Plaintiff. This meeting occurred via Zoom, and Plaintiff observed Dr. Rohrbaugh taking handwritten notes during this meeting.

98. Plaintiff again held out hope that Dr. Leffert would start being sincere and that this meeting would genuinely be about strategies to improve their interactions and to make the year following her fellowship a success and maybe even information about possibilities in the cardiac

division or at least a better pathway forward in OB. However, the meeting went sideways when Plaintiff, seeking a healthier path forward, tried to bring up issues between her and Dr. Leffert that remained unresolved. Plaintiff mentioned these issues again because she genuinely held out hope that their prior communication issues had sincerely stemmed from honest misunderstandings.

ADVERSE ACTION

99. To bring closure to these issues and prevent them from happening again, Plaintiff attempted to have clear, direct, open, and honest communication regarding these issues with Dr. Leffert. However, Dr. Leffert was again dismissive and accused Plaintiff of repeatedly bringing up the issue with her schedule and issues with SRC, told Plaintiff that she cannot talk about the past, and insinuated that the Plaintiff was only doing so because of some mental health issue.

100. Plaintiff attempted to explain that she really wanted things to work but that she had continued concerns that Dr. Leffert was not actually listening to her.

101. In response, Dr. Leffert then began accusing Plaintiff of insulting the job she was doing as the chair. She also accused Plaintiff of stating that “she [Dr. Leffert] was out to get her [Plaintiff].” This was a statement that Plaintiff neither made nor attempted to insinuate.

102. Next, Dr. Leffert turned Plaintiff’s complaint around on Plaintiff and accused Plaintiff of not listening to Dr. Leffert. Dr. Leffert then attempted to pressure Plaintiff towards her own academic interests and made comments about Plaintiff’s career development. Following this, Dr. Leffert chided the Plaintiff to repeat back to her everything that Dr. Leffert had just said. Plaintiff was able to repeat every word.

103. Due to the mischaracterization of Plaintiff’s schedule by Dr. Leffert, Plaintiff followed up with an email to provide a copy of the schedule, for the second time, as evidence that she had

been required to work with only 3 weekends off in 5 months, 6-8 overnight calls per month, in addition to being assigned to take late calls in the main OR.

104. On or about June 6, 2023, Dr. Viji Kurup, former Division Chief of Adult Multispecialty Anesthesiology, sent Plaintiff an email requesting a meeting with Plaintiff to discuss “division expectations, your [Plaintiff’s] expectations, and opportunities” in a meeting that would, according to Dr. Kurup, take no more than 30 minutes.

105. Plaintiff made multiple attempts to schedule meetings with Dr. Kurup which were repeatedly canceled due to the clinical obligations of both doctors.

106. The cardiac fellowship ended on June 30, 2023, during which time Plaintiff received stellar feedback, inclusive of being “very hardworking and competent,” “she truly cares about her patients,” “very committed to her patients’ well-being. a great example to our residents,” “demonstrates sound judgment in decisions,” “one of the most motivated fellows I have ever worked with,” and identified her as being “a joy to work with and an outstanding physician.”

107. On or about July 1, 2023, Plaintiff resumed her faculty position, this time in the DAMA (Division of Adult Multispecialty Anesthesiology) at YSC. Plaintiff had by that time successfully completed two fellowships in Anesthesiology, one in Cardiac and one in OB, with the goal of creating synergy between the two fellowships to ultimately find her niche both clinically and academically in the unique and newly developing field of High-Risk Cardio-Obstetric Anesthesiology. Cardiac disease during pregnancy is among the leading causes of maternal mortality in the United States (“US”). Yet, despite the evolving health profiles of these patients, the US healthcare system has failed to adapt by strengthening the infrastructure as necessary to adequately care for this high-risk population. Plaintiff was determined to help change that both clinically and academically through education and research.

108. It was Dr. Leffert's decision to place Plaintiff in the DAMA rather than in the Cardiac Division, just as it was Dr. Leffert's decision to limit Plaintiff to only a one-year term, for reasons that remained unclear despite multiple requests for clarification. Given Plaintiff's concerns about her health, wellbeing and safety, patient safety, and potential retaliation by Dr. Alian, Plaintiff chose not to return to the OB Division for the duration of the one-year term.

109. On or about July 5, 2023, Dr. Kurup canceled a meeting with Plaintiff due to her clinical obligations. Plaintiff immediately requested a Z-Day, a nonclinical day for which credit is still given, for the following Wednesday (July 12, 2023) from Dr. Ancuta to avoid further meeting cancellations with Dr. Kurup and to take care of other faculty related matters necessary for her return to her faculty position, such as getting a new badge. Dr. Ancuta verbally agreed to provide Plaintiff with a Z-Day as was appropriate at the start of the academic year.

110. However, following their discussion neither Dr. Ancuta nor the department did anything to facilitate this meeting taking place. In fact, the department did the exact opposite and went out of their way to sabotage the next meeting that Plaintiff had scheduled for July 12, 2023 by not providing Plaintiff with her Z-Day as requested. Instead, the department assigned her to a busy high turnover Urology room in the OR in addition to making her the solo MD break person, all of which made the meeting she had scheduled with Dr. Kurup impossible to attend. Plaintiff otherwise continued to attempt to meet with Dr. Kurup while at work, but the meeting would not take place until October 3, 2023.

PROTECTED ACTIVITY

111. Dr. Leffert requested yet another meeting with Plaintiff and Dr. Rohrbaugh in early August of 2023. On or about August 2, 2023, Plaintiff requested a meeting with Dr. Rohrbaugh, without Dr. Leffert present in order to discuss Plaintiff's concerns regarding Dr. Leffert's

interactions with her and what felt like gas lighting and ridicule of Plaintiff. Plaintiff also intended to discuss her concerns over her deteriorating mental health, and her goal of prioritizing her wellbeing for the year. The meeting between Plaintiff and Dr. Rohrbaugh occurred in person on August 2, 2023, and Plaintiff did not observe Dr. Rohrbaugh take handwritten notes.

112. Because of Dr. Leffert's repeated refusal to discuss the issues that caused difficulties in their interactions to begin with, and because it was Dr. Leffert's stated goal, whether sincere or not, of making this year a "more positive faculty experience" for Plaintiff, Plaintiff outlined a set of principles/asks/healthy boundaries that she thought would be helpful in their interactions going forward, and which would serve as a framework within which they would communicate. She asked Dr. Rohrbaugh to present them to Dr. Leffert in their next meeting and hoped that Dr. Leffert would appreciate the effort and agree to communicate within these healthy boundaries for ultimately a better path forward. The boundaries requested were:

- a. "We will be respectful.
- b. We will be thoughtful with our words. Comments made by Dr. Leffert such as the word "baggage" are disrespectful, unprofessional, and blatantly unacceptable.
- c. We will focus our efforts on listening, understanding, and clarifying. We will therefore agree to rely not on our assumptions and the subjective input of our trusted friends, but rather on the factual content of our discussions.
- d. We will have factual knowledge of the topics we are discussing, and we will not make any more false accusations unless we actually have clear indicators that we are correct in our claims.

- e. We will approach our interactions directly and address any issues going forward with an honest, open, and mature dialogue.
- f. The topics discussed at the meeting will be at the discretion of the individual who set up the meeting. If I set up a meeting with Dr. Leffert to discuss a concern that I have, the time is mine to discuss my concern. The meeting will conclude when I have finished discussing my concern unless I indicate otherwise.
- g. The story is what the story is, and we will no longer change the story when we realize that what actually happened isn't what we initially thought or doesn't suit our interests.
- h. We will agree not to meet alone for the foreseeable future. I will appoint an advocate for myself. This individual will attend any future discussions between myself and Dr. Leffert."

113. Plaintiff also disclosed to Dr. Rohrbaugh during this discussion that she was suffering from exhaustion, burnout, and symptoms of depression because of the above-mentioned departmental issues, and issues with Dr. Leffert. Plaintiff told Dr. Rohrbaugh that her goal for this academic year was to "focus on my wellness and to figure out what it is to be happy again." Plaintiff also explained that she felt that Dr. Leffert was engaging in gaslighting, and she explained that she would "choose to suffer no longer because of Dr. Leffert."

114. Dr. Rohrbaugh agreed with Plaintiff and stated, "I think you have been suffering at Yale for quite some time." Dr. Rohrbaugh suggested that Plaintiff see someone for her mental health concerns and informed her of the opportunities available at Yale such as the EAP. Plaintiff contacted the EAP shortly thereafter.

115. On or about August 9, 2023, Dr. Leffert required Plaintiff to meet with her and Dr. Rohrbaugh. Plaintiff hoped that Dr. Rohrbaugh would be able to advocate on her behalf and finally get through to Dr. Leffert. This meeting occurred via Zoom and Plaintiff observed Dr. Rohrbaugh taking handwritten notes during the meeting.

PROTECTED ACTIVITY

116. During this meeting, Plaintiff ultimately requested accommodation for her mental health and wellbeing and stated that she needed to make focusing on her wellness her priority for the 2023-2024 academic year. Plaintiff disclosed to Dr. Leffert that she needed to step away from the departmental activities that were putting undue pressure on her so that she may focus on her mental health and wellbeing, and she apologized to Dr. Leffert for needing to do so. Plaintiff also explained and made it clear that she needed to make herself and her mental health her priority, and that her focus needed to be limited to her mental health and wellness and her clinical work. The Plaintiff was unaware of and did not recall from her faculty orientation at Yale many years prior the formal process of requesting an accommodation, hence the reason she made her initial request through Dr. Leffert. There was no initial comment from Dr. Leffert.

117. During Dr. Leffert's time at Yale as chair, Plaintiff experienced a significant amount of academic productivity pressure as it related to her career growth/development, which was the driving force behind her accommodation request to prioritize her mental health, which meant limiting her work responsibilities to her clinical work and teaching clinically as students, residents, and fellows were available (See ¶¶ 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, and 136 below).

118. In the December 22, 2022, meeting between Dr. Leffert and Plaintiff, Dr. Leffert expressed to Plaintiff her profound interest in developing Plaintiff's career, using the words, "I

would love to...” after Plaintiff expressed interest in returning to her faculty position at Yale upon completion of her fellowship. Both Dr. Leffert and Plaintiff are Obstetric Anesthesiologists. In addition, the Plaintiff’s successful completion of a cardiac fellowship, with her obstetric background creates a unique skillset and opportunity for career development that very few people in the US have. This was immediately followed by Dr. Leffert’s open hostility towards Plaintiff and her career after Plaintiff expressed her concerns and hesitation about returning to the OB Division upon completion of the fellowship.

119. In the March 30, 2023, discussion between Dr. Leffert, Dr. Rohrbaugh, and Plaintiff, Dr. Leffert said aloud several points to Plaintiff regarding her career growth/development. Plaintiff was completely engaged in the discussion, still hopeful for some indication of a better path forward for her. However, when Plaintiff raised certain issues again and said she felt Dr. Leffert was not listening to her, Dr. Leffert accused Plaintiff of being the one who was not listening. Following this accusation, she then forced Plaintiff to repeat back to her the things that she said regarding her career growth/development. In response, Plaintiff was able to repeat every word.

120. On May 14, 2023, Dr. Leffert continued to push the topic of Plaintiff’s career growth and sent Plaintiff a letter outlining her “plan” for the upcoming 2023-2024 academic year. Part of her “plan” stated the following, “We (you, Robert Rohrbaugh, and I) will meet at least twice in FY24 to discuss opportunities for your career growth and other pertinent issues. The first of these meetings will occur in August, after your Boards.”

121. In the August 2, 2023, discussion between Dr. Rohrbaugh and Plaintiff, he (Dr. Rohrbaugh) requested that Plaintiff talk on the topic of her academic/career interests given both of her fellowships (OB and Cardiac). This was following the discussion she had just had with him in which she expressed her sincere concerns regarding her mental health and her wellness

goals for the year. Plaintiff found his request to be profoundly inappropriate given what she had just told him about her mental health concerns, but because she was fearful that there would be more punishment if she did not entertain a discussion on the topic, she proceeded to discuss the topic as was requested.

PROTECTED ACTIVITY AND ADVERSE ACTION

122. Following her request for accommodation, Plaintiff asked Dr. Rohrbaugh to present the list of items to Dr. Leffert that she and Dr. Rohrbaugh had worked on as an appropriate and healthy agreement to guide her and Dr. Leffert's interactions moving forward. As Dr. Rohrbaugh read the list aloud, Dr. Leffert disrespectfully and unprofessionally busied herself by pretending there was a fly buzzing around her instead of listening and fully engaging in the discussion.

123. Dr. Leffert then asked for concrete and specific examples to validate Plaintiff's reasoning for specifically seeking these asks/boundaries.

124. When Plaintiff provided Dr. Leffert with the concrete examples, such as referring to Plaintiff's mental health issues as "baggage," Dr. Leffert responded to accuse Plaintiff of "speaking in soundbite."

125. Directly following this, Dr. Leffert verbally threatened Plaintiff's career.

126. Then after having verbally threatened Plaintiff's career, Dr. Leffert again pushed Plaintiff to discuss the topic of her career growth/development. At the time, Dr. Leffert was not only refusing to support a healthier work/life balance and address Plaintiff's concerns in the OB Division, but she was also actively denying Plaintiff the opportunity to develop her new skillset in the Cardiac Division. Plaintiff had no way to respond to the women who had just threatened to destroy her career, refused to support her need for balance in her life, denied her the work she

was so excited about and had just completed a second fellowship for eight years out from training, and then ignored her accommodation request.

127. Due to Plaintiff's lack of response, Dr. Rohrbaugh chimed in noting that Dr. Leffert had just made a statement about her career and growth development and stressed that it required a response from Plaintiff. However, Plaintiff could no longer talk by that point because the situation had caused her to cry uncontrollably.

128. On or about October 3, 2023, Plaintiff and Dr. Kurup connected for a meeting via Zoom as per Dr. Kurup's request. Rather than discuss the topics cited in Dr. Kurup's initial email to Plaintiff, the meeting was only a pretext for Dr. Kurup to press Plaintiff to discuss the Plaintiff's academic research/interests/ideas despite Plaintiff's prior accommodation request to have a year to focus specifically on her mental health and wellbeing and her clinical work, not be overwhelmed by these incessant academic pressures.

129. Plaintiff was not only caught off guard by the direction of Dr. Kurup's meeting, but she was also shocked that such inquiries were being made after she had expressly sought an accommodation to focus on her wellness that precluded navigating the topics Dr. Kurup pried into. Further, in accordance with the terms of Plaintiff's employment as per the Academic Clinician track, Plaintiff was already meeting expectations and was not required to participate in scholarly activity.

130. Plaintiff explained to Dr. Kurup that it was her goal for the year to focus only on her wellness and her clinical work.

131. Dr. Kurup responded with evident displeasure and, displaying a disproportionate level of anger given the circumstances, aggressively and insistently demanded—on three separate occasions during the meeting—that they engage in this specific discussion. However, this was a

discussion for which the Plaintiff was entirely unprepared, particularly given the context provided by Dr. Kurup via email, who had indicated that the meeting would serve a more DAMA-centered and clinically relevant purpose and would take a mere 30 minutes. Plaintiff continued to tell Dr. Kurup that she sincerely had other priorities that were more important to her at the time.

132. Dr. Kurup wrote in a follow-up email to Plaintiff to chastise her for a lack of teamwork, interaction, and engagement. Dr. Kurup also falsely accused Plaintiff of the following, “You told me you did not want to have any meeting with me as the Division Chief.” The Plaintiff never made the statement Dr. Kurup claimed, nor did she make any statement that could be interpreted in such a way or to lead to such a conclusion.

133. Instead, the Plaintiff communicated that she did not want to discuss educational, research, and academic ambitions as it was not her focus at the time. In fact, Plaintiff would have welcomed a discussion on the same topic at a later date when she was feeling better and eager to engage in such academic discussions. Plaintiff’s entire reason for not discussing these topics, which at that time were not pressing issues, were temporary, well-intended, and necessary so she could focus on her mental health.

134. Plaintiff was unaware whether Dr. Leffert or Dr. Rohrbaugh had communicated details of their August conversation to Dr. Kurup.

135. Plaintiff wrote back to Dr. Kurup to explain further that she was only given a one-year term and was neither practicing cardiac nor OB anesthesia. Asking her to cite her academic/research interests/ideas given the circumstances was entirely antagonistic given the profound lack of actual support Dr. Leffert was providing Plaintiff. Dr. Leffert knew Plaintiff was interested in working in the Cardiac Division yet refused to support her clinical interests by

not allowing her to join the division. Dr. Leffert falsely stated that there would be no clinical opportunities in the Cardiac Division by the time Plaintiff finished the fellowship, yet Dr. Leffert hired two new male graduates of cardiac fellowships around the time of Plaintiff's departure from Yale (Dr. Jose Duarte and Dr. Zach Sesonsky) who were less experienced and less uniquely trained in comparison to Plaintiff and allowed them to work in the Cardiac Division.

PROTECTED ACTIVITY

136. Plaintiff sent an email to Dr. Rohrbaugh on October 4, 2023, the day after the meeting with Dr. Kurup, in which she stated that she was feeling an incredible amount of pressure towards academic productivity. She also clearly indicated that her wellness was compromised.

137. Plaintiff did not interact with Dr. Leffert until she was requested to attend yet another a meeting with Dr.'s Leffert and Rohrbaugh in December 2023.

138. In arranging the meeting, Dr. Leffert asked for "two to three dates/times" that worked with Plaintiff's schedule. As Plaintiff only had 2 post-call days in December, she provided her with the latest post-call day in November and her earliest post-call day in January in addition to her two post-call dates in December for a total of four options for meetings and times.

139. Despite Plaintiff's efforts to schedule the meeting during the busy holiday season, which included canceling and rearranging many of her personal appointments to facilitate Dr. Leffert's request, and Dr. Leffert's refusal to meet earlier on December 7, 2023, as requested by Plaintiff, Dr. Leffert still accused Plaintiff of making it difficult to meet with her.

ADVERSE ACTION

140. On or about December 19, 2023, Dr. Leffert met with Plaintiff and Dr. Rohrbaugh to inform her that she would not be renewing Plaintiff's term following the 2023-2024 academic year due solely to her "interactions with her superiors," stating expressly, that it was the "only

metric used to determine nonrenewal.”

141. The only interaction Dr. Leffert had at her disposal for the period in question and the only incident she cited was the October meeting with Dr. Kurup.

142. Dr. Leffert also falsely accused the Plaintiff of making it difficult to meet with Dr. Kurup earlier that year despite multiple attempts to set up meetings during what was a very busy and understaffed schedule. Dr. Leffert also accused Plaintiff of refusing to talk on Dr. Kurup’s preferred topic of discussion, and expressly ignored the Plaintiff’s previously sought after accommodation to avoid that topic of subject as a means of allowing Plaintiff to prioritize and focus on her wellness for the year.

143. Dr. Leffert explained to Plaintiff that the interaction with Dr. Kurup was not what she expected of the faculty and that this was not the “positive faculty experience” that she was expecting of Plaintiff this year. “Positive faculty experience” was being defined for the first time by Dr. Leffert, which she equated to the “positive faculty experience” that Plaintiff was supposed to create for her superiors.

144. Following Dr. Leffert’s comment, Dr. Rohrbaugh then chimed in again and reminded Plaintiff that she was at an academic institution as if her mental health and wellbeing were therefore not a priority. His stated position was that the school’s academic mission clearly superseded the health and wellbeing of the faculty, and therefore, the safety of the patients.

145. In this meeting, Dr. Leffert also stated, “This isn’t healthy,” demonstrating her awareness of the negative impact her behavior toward, interactions with, and treatment of the Plaintiff were having on her mental and emotional health and well-being.

146. Dr. Leffert additionally stated that Plaintiff would be better served in a “more supportive environment.”

147. Throughout that 2023-2024 academic year, Plaintiff had stellar reviews for the year for her teaching and clinical work from her residents. Comments included were the following:

- a. “I greatly appreciate how Dr. Schmeck always gives her reasoning for everything she does in the operating room. She is easy to work with and allows residents to grow own our reasoning skills”
- b. “Works quickly, enjoyable to work with, facilitates work flow”
- c. “Teaches practical things, very appreciative of this. Would do even better if she taught more. Enjoyable to work with”
- d. “If you get to know Doctor Schmeck she is an amazing person, extremely knowledgeable, and someone I would trust taking care of my family. To unlock this side you have to work with her multiple times and really get to know her personality. She is a great attending especially after working with her multiple times.”
- e. “Dr. Schmeck is exemplary. She noticed I was struggling with setting up in the morning and offered to come in early to help me improve my approach and organization. Dr. Schmeck is approachable and affable, and I felt comfortable enough to share with her some of the challenges I faced with my direct laryngoscopy. She listened attentively and guided me through my DL technique on cases throughout the day. Dr. Schmeck exceeds all expectations and is an attending I enjoy working with and learning from!”

148. Instead of taking ownership of her own actions, Dr. Leffert terminated Plaintiff for requesting an accommodation for her mental health and after taking a stand against and reporting unsafe, unethical, and problematic practices against those people in leadership roles who were

behaving in this unprofessional manner.

149. The Plaintiff's completion of a second, entirely elective, fellowship—eight years after she completed her initial training—for the specific purpose of advancing her academic career in the emerging and specialized field of Cardio-Obstetric Anesthesiology further supports her claim and underscores the fact that this termination was motivated by discrimination.

150. Additionally, Dr. Leffert cited that there had been “no improvement”, however, other than Dr. Leffert's supposed goal of making the year a “more positive faculty experience” for Plaintiff, Plaintiff was never presented with an improvement plan. In fact, the only plan to speak of had been Plaintiff's requested accommodations and healthy boundaries with Dr. Leffert, both of which were violated regardless.

PROTECTED ACTIVITY

151. On January 4, 2024, the Plaintiff submitted a complaint against Dr. Leffert to Dr. Nancy Brown, Dean of the School of Medicine.

152. Dr. Leffert wrote an email to Plaintiff on January 11, 2024, attempting to fully solidify her years of gaslighting, in which she stated that she “struggled to engage with [Plaintiff] constructively.” This accurately describes the pattern where Plaintiff would bring up an issue and Dr. Leffert would refuse to discuss this issue, choosing instead to deny, deflect, and defend by redirecting the subject of conversation. When Plaintiff would again attempt to bring up an unresolved issue, Dr. Leffert would tell Plaintiff that she cannot talk about the past, ultimately leaving it unresolved.

153. Dr. Leffert's adamant refusal to talk about the issues that concerned the Plaintiff, in addition to her discriminatory comments such as referring to Plaintiff's mental health concerns as “baggage,” as well as accusing Plaintiff of “speaking in soundbite,” and verbally threatening

Plaintiff's career was not an attempt on Dr. Leffert's part to "engage with [Plaintiff] constructively," but rather was a very destructive process involving force, intimidation, and discrimination to create an emotionally abusive and hostile work environment.

154. The result of Dr. Leffert's actions and gaslighting drove the Plaintiff into a severe state of depression whereby she began to question her own self-worth, as it seemed that no matter how hard she tried she would be met with constant criticism, shifting or no goal posts, unexplained chaos, unrealistic expectations, a constant state of imbalance, constant second guessing, a lack of boundaries, arguments over nothing, and endless nonsensical resolution seeking.

155. Dr. Leffert's continuous deflection of issues that Plaintiff raised while pretending to be someone who Plaintiff could trust and who cared about Plaintiff ultimately led Plaintiff to plan her own suicide.

156. Dr. Leffert's ego refused to allow her to listen to the Plaintiff's actual concerns and ultimately led her to ignore her own responsibility and role in solidifying harms by attempting to normalize the abuse that Plaintiff experienced.

157. On or about January 8, 2024, Plaintiff attended an in-person meeting with Dean Nancy Brown with Cynthia Dwyer in attendance taking notes on a laptop.

158. On February 19, 2024, Plaintiff withdrew her complaint from the School of Medicine after a colleague informed Plaintiff that the Dean's office was leaking the information of her complaint to the faculty and Plaintiff became concerned about leaks damaging her reputation.

PROTECTED ACTIVITY

159. Plaintiff resubmitted her complaint to the Provost, Scott Strobel.

160. February 21, 2024, marked the last day of work for the Plaintiff as Dr. Leffert put Plaintiff out on leave for remainder of her term at Yale following critical emails Plaintiff sent

about Dr. Leffert and a patient safety report that Plaintiff submitted, which Dr. Leffert referred to as “scathing,” even though Plaintiff previously brought up the same concern in the April 27, 2022 meeting, to which Dr. Leffert responded in agreement.

161. Plaintiff learned that that spring, following Dr. Leffert’s representation that the Cardiac Anesthesiology Division was “oversubscribed,” and no cardiac anesthesiology positions would be available, Dr. Leffert hired Zack Sesonsky (male), newly graduated out of his first year, and allowed him to work in the Cardiac Division.

162. Plaintiff intended to take her own life following vacation she had scheduled in May 2024. Prior to this Plaintiff prepared her will and canceled all unnecessary credit cards/bills to make it easier for her mother to deal with her personal effects upon her passing. She organized her documents so they would be easy to find and created notes to leave for those she knew would need closure.

163. Plaintiff planned to go to Canada for her vacation in May so that she could get her cats there with the goal of making it as easy as possible for her aunt, Susan Weagle, to take possession of them. Prior to making out her will Plaintiff had a conversation with her aunt and asked her if she would be willing to take the cats if anything ever happened to her. Plaintiff’s plan was to leave the cats at her house in Lunenburg, Nova Scotia, and drive back to Connecticut where she had a hotel room arranged for the night upon her return to New Haven. Plaintiff planned to use that hotel room to permanently end the extreme emotional pain and suffering that had been inflicted upon her by Dr. Leffert.

164. Plaintiff also set up an email to be automatically sent out on a timer very early the next morning after she had passed which would go out to the leadership at Yale, certain faculty members, the residents whom she dearly cared for, certain people in the OB Anesthesia world,

the Accreditation Council for Graduate Medical Education (ACGME), the Society of Obstetrics and Perinatology (SOAP), the American Society of Anesthesiology (ASA), and several news agencies.

165. June 30, 2024, marked the final date of Plaintiff's employment at Yale.

166. Plaintiff learned that in the fall of 2024 one of her former residents, Jose Duarte (male), was hired on staff and joined the cardiac division after his fellowship.

ADVERSE ACTION

167. On July 9, 2024, Plaintiff learned that Dr. Leffert was attempting to make good on her prior threats to 'destroy Plaintiff's career' as she learned that Dr. Leffert communicated to Danbury Hospital that Plaintiff was combative, badgering, and condescending.

168. In response to the complaint Plaintiff submitted to the CHRO, and several months after the December 2023 meeting in which the decision not to renew Plaintiff's term at Yale was conveyed to Plaintiff, Dr. Leffert changed her story from one of Plaintiff's "interactions with her superiors" as being the "only metric used to determine non-renewal" to "professionalism."

169. Never in her career, during her time at Yale or otherwise prior to December 2023, has Plaintiff ever been disciplined for any "professionalism" issues, nor was she ever put on a performance improvement plan of any sort.

170. All of Dr. Leffert's own character traits were projected onto Plaintiff in an effort by Dr. Leffert to damage Plaintiff's reputation in the medical community.

CAUSES OF ACTION

171. Plaintiff alleges all following causes of actions (“Counts”) expounded below to be against both Defendants.

Count I, Discrimination Based on Sex Pursuant to Title VII;

172. Plaintiff repleads, realleges and incorporates by reference paragraphs 1 through 171 above, as though fully set forth herein.

173. Plaintiff was discriminated against based on her sex in that she was subjected to disparate treatment based on his gender as a female.

174. As a female, the Plaintiff was a member of a protected class.

175. Plaintiff was otherwise highly qualified for her position, and she had been an exemplary employee of Defendants. She was highly regarded amongst the faculty in the Department of Anesthesiology for her clinical skillset and was acknowledged by her peers as, “Alison can do anything.”

176. Plaintiff suffered adverse employment actions based on her sex as set forth above in that Defendants: (1) treated male colleagues better than the Plaintiff; (2) scheduled male colleagues to preferred shifts and tasks; (3) expressed a direct preference for working with male employees as opposed to female employees; (4) denied Plaintiff the positions that were reserved for less qualified, younger males; and (5) terminated Plaintiff in favor of similarly situated male executives who were equally or less qualified and experienced than the Plaintiff.

177. Plaintiff further suffered the adverse employment actions of termination and reduced compensation in exchange for exemplary performance as compared to her similarly situated female comparators.

178. All adverse employment actions set forth above took place under circumstances that give

rise to an inference of sex discrimination.

179. Because Defendants, acting by and through their agents, including Dr. Lombardo, Dr. Marando, Dr. Alian, and Dr. Leffert, expressed directly to the Plaintiff biased views that Plaintiff was a problem woman for making complaints about sexually charged actions and comments.

180. Defendants cannot provide a legitimate, non-discriminatory reason for terminating Plaintiff's employment. The proffered reason for termination that despite the Plaintiff having excellent working ratings and receiving praise of her collaborative skills with her attendings, residents, and colleagues that she was terminated for "interactions with superiors" only reinforces the grounds of termination as being discriminatory.

181. Plaintiff can successfully demonstrate that there is no factual basis for any alleged claim rationale given by Defendants for Plaintiff's termination is a mere pretext for discrimination when Plaintiff raised issues of harassment and discrimination to superiors.

182. Defendants has unlawfully and willfully discriminated against the Plaintiff substantially because of her sex with regard to the terms, conditions, opportunities and privileges of her employment in violation of Title VII.

183. Defendants' adverse employment actions against the Plaintiff as set forth above, occurred under circumstances giving rise to an inference of sex discrimination.

184. The acts described herein occurred as part of a continuing pattern of discriminatory conduct that began outside the applicable statutory filing period but continued through the time Plaintiff filed an administrative charge with the Connecticut Commission on Human Rights and Opportunities and the Equal Employment Opportunity Commission.

185. Defendants' discriminatory conduct constitutes a continuing violation under Title VII, as the discriminatory actions were not isolated or discrete but rather were ongoing and part of a

systematic and continuous policy and practice of discrimination.

186. At least one act in furtherance of this discriminatory pattern occurred within the statutory period prior to the filing of Plaintiff's charge of discrimination with the CHRO and/or EEOC, thereby rendering all related conduct timely and actionable under the continuing violations doctrine.

187. As a direct and proximate result of Defendants' ongoing discriminatory practices, Plaintiff has suffered and continues to suffer loss of income, emotional distress, humiliation, loss of professional reputation, and other damages.

188. Defendants' actions were willful, malicious, and/or conducted with reckless indifference to Plaintiff's federally protected rights.

189. As a result of Defendants' unlawful conduct as aforesaid, Plaintiff has sustained and will in the future sustain financial loss, including lost wages and severe impairment to her career and future career opportunities and earnings capacity.

190. Plaintiff is entitled to compensation for lost wages including front and back pay, punitive damages, emotional distress damages, and attorney's fees and costs as a result of Defendants' discriminatory actions based on gender.

191. Sexual harassment and discrimination claims are not subject to mandatory arbitration provisions.

Count II, Discrimination Based on Sex Pursuant to CFEPa

192. Plaintiff repleads, realleges and incorporates by reference paragraphs 1 through 191 above, as though fully set forth herein.

193. Plaintiff was discriminated against based on her sex in that she was subjected to disparate treatment based on her gender as a female.

194. As a female, the Plaintiff was a member of a protected class.

195. Plaintiff was otherwise highly qualified for her position, and she had been an exemplary employee of Defendants.

196. Plaintiff suffered adverse employment actions based on his sex as set forth above in that Defendants: (1) treated male colleagues better than the Plaintiff; (2) scheduled male colleagues to preferred shifts and tasks; (3) expressed a direct preference for working with male employees as opposed to male employees; (4) denied Plaintiff the positions that were reserved for less qualified, younger males; and (5) terminated Plaintiff in favor of similarly situated male executives who were equally or less qualified and experienced than the Plaintiff.

197. Plaintiff further suffered the adverse employment actions of termination and reduced compensation in exchange for exemplary performance as compared to her similarly situated male comparators.

198. All of the adverse employment actions set forth above took place under circumstances that give rise to an inference of sex discrimination.

199. Because Defendants, acting by and through their agents, including Dr. Lombardo, Dr. Marando, Dr. Alian, and Dr. Leffert, expressed directly to the Plaintiff biased views that Plaintiff was a problem woman for making complaints about sexually charged actions and comments.

200. Defendants cannot provide a legitimate, non-discriminatory reason for terminating Plaintiff's employment. The proffered reason for termination that despite the Plaintiff having excellent working ratings and receiving praise of her collaborative skills with her attendings, residents, and colleagues that she was terminated for "interactions with superiors" only reinforces the grounds of termination as being discriminatory.

201. Plaintiff can successfully demonstrate that there is no factual basis for any alleged claim

rationale given by Defendants for Plaintiff's termination is a mere pretext for discrimination when Plaintiff raised issues of harassment and discrimination to superiors.

202. Defendants has unlawfully and willfully discriminated against the Plaintiff substantially because of her sex with regard to the terms, conditions, opportunities and privileges of her employment, as set forth herein above in violation of CFEPA.

203. Defendants' adverse employment actions against the Plaintiff as set forth above, occurred under circumstances giving rise to an inference of sex discrimination.

204. The acts described herein occurred as part of a continuing pattern of discriminatory conduct that began outside the applicable statutory filing period but continued through the time Plaintiff filed an administrative charge with the Connecticut Commission on Human Rights and Opportunities and the Equal Employment Opportunity Commission.

205. Defendants' discriminatory conduct constitutes a continuing violation under CFEPA, as the discriminatory actions were not isolated or discrete but rather were ongoing and part of a systematic and continuous policy and practice of discrimination.

206. At least one act in furtherance of this discriminatory pattern occurred within the statutory period prior to the filing of Plaintiff's charge of discrimination with the CHRO, thereby rendering all related conduct timely and actionable under the continuing violations doctrine.

207. As a direct and proximate result of Defendants' ongoing discriminatory practices, Plaintiff has suffered and continues to suffer loss of income, emotional distress, humiliation, loss of professional reputation, and other damages.

208. Defendants' actions were willful, malicious, and/or conducted with reckless indifference to Plaintiff's protected rights.

209. As a result of Defendants' unlawful conduct as aforesaid, Plaintiff has sustained and will

in the future sustain financial loss, including lost wages and severe impairment to her career and future career opportunities and earnings capacity.

210. Plaintiff is entitled to compensation for lost wages including front and back pay, punitive damages, emotional distress, and attorney's fees and costs as a result of Defendants' discriminatory actions based on sex.

211. Sexual harassment and discrimination claims are not subject to mandatory arbitration provisions.

Count III, Hostile Work Environment Based on Sex in Violation of Title VII

212. Plaintiff repleads, realleges and incorporates by reference paragraphs 1 through 211 above, as though fully set forth herein.

213. Due to the unwanted sexually charged insults, innuendo, and explicit sexual discussions about women with the Plaintiff set forth in more detail hereinabove, Dr. Lombardo, Dr. Marando, and Dr. Pan created a workplace that was so permeated with sexual intimidation that was sufficiently severe and pervasive that it altered the conditions of the Plaintiff's employment and interfered with Plaintiff's ability to do her job.

214. The conduct included direct statements from Dr. Marando ridiculing the Plaintiff and women for wanting to speak out about sexual harassment.

215. There is a specific basis to impute the conduct by the agents of Defendants that created the sexually hostile environment for the Plaintiff to Defendants in this case.

216. Dr. Lombardo was Plaintiff's supervisor when he encouraged staff to engage in sexually harassing conduct. All of the actions committed subsequently by Dr. Leffert, a director of Defendants, to ridicule Plaintiff for speaking out about harassment are attributable to Defendants. All actors were Defendants' agents, servants, and employees at all times described hereinabove

while acting within the scope of their employment. Defendants are directly liable for the damages caused to the Plaintiff by their agents obscene comments and sexual discrimination used in managing the Plaintiff.

217. The inappropriate jokes about sexual harassment and comments which created the sexually hostile work environment for the Plaintiff and which is attributable to Defendants was a violation of Title VII.

218. The sexually hostile work environment that changed the Plaintiff's working conditions caused the Plaintiff to suffer severe emotional distress and mental anguish for which she has sought and is likely to continue to require medical treatment.

219. The acts described herein occurred as part of a continuing pattern of harassing and discriminatory conduct that began outside the applicable statutory filing period but continued through the time Plaintiff filed an administrative charge with the Connecticut Commission on Human Rights and Opportunities and the Equal Employment Opportunity Commission.

220. Defendants' harassing and discriminatory conduct constitutes a continuing violation under Title VII, as the discriminatory actions were not isolated or discrete but rather were ongoing and part of a systematic and continuous policy and practice of discrimination.

221. At least one act in furtherance of this discriminatory pattern occurred within the statutory period prior to the filing of Plaintiff's charge of discrimination with the CHRO and/or EEOC, thereby rendering all related conduct timely and actionable under the continuing violations doctrine.

222. As a direct and proximate result of Defendants' ongoing discriminatory practices, Plaintiff has suffered and continues to suffer loss of income, emotional distress, humiliation, loss of professional reputation, and other damages.

223. Defendants' actions were willful, malicious, and/or conducted with reckless indifference to Plaintiff's federally protected rights.

Count IV, Hostile Work Environment Based on Sex in Violation of CFEPA

224. Plaintiff repleads, realleges and incorporates by reference paragraphs 1 through 223 above, as though fully set forth herein.

225. Due to the unwanted sexually charged insults, innuendo, and explicit sexual discussions about women with the Plaintiff set forth in more detail hereinabove, Dr. Lombardo, Dr. Marando, and Dr. Pan created a workplace that was so permeated with sexual intimidation that was sufficiently severe and pervasive that it altered the conditions of the Plaintiff's employment and interfered with Plaintiff's ability to do her job.

226. The conduct included direct statements from Dr. Marando ridiculing the Plaintiff and women for wanting to speak out about sexual harassment.

227. There is a specific basis to impute the conduct by the agents of Defendants that created the sexually hostile environment for the Plaintiff to Defendants in this case.

228. Dr. Lombardo was Plaintiff's supervisor when he encouraged staff to engage in sexually harassing conduct. All of the actions committed subsequently by Dr. Leffert, a director of Defendants, to ridicule Plaintiff for speaking out about harassment are attributable to Defendants. All actors were Defendants' agents, servants, and employees at all times described hereinabove while acting within the scope of their employment. Defendants are directly liable for the damages caused to the Plaintiff by their agents' obscene comments and sexual discrimination used in managing the Plaintiff.

229. The inappropriate sexual harassment jokes and comments which created the sexually hostile work environment for Plaintiff, and which is attributable to Defendants was a violation of

CFEPA.

230. The sexually hostile work environment that changed the Plaintiff's working conditions caused the Plaintiff to suffer severe emotional distress and mental anguish for which she has sought and is likely to continue to require medical treatment.

231. The acts described herein occurred as part of a continuing pattern of discriminatory conduct that began outside the applicable statutory filing period but continued through the time Plaintiff filed an administrative charge with the Connecticut Commission on Human Rights and Opportunities and the Equal Employment Opportunity Commission.

232. Defendants' harassing and discriminatory conduct constitutes a continuing violation under CFEPA, as the harassing and discriminatory actions were not isolated or discrete but rather were ongoing and part of a systematic and continuous policy and practice of discrimination.

233. At least one act in furtherance of this harassing and discriminatory pattern occurred within the statutory period prior to the filing of Plaintiff's charge of discrimination with the CHRO, thereby rendering all related conduct timely and actionable under the continuing violations doctrine.

234. As a direct and proximate result of Defendants' ongoing harassing discriminatory practices, Plaintiff has suffered and continues to suffer loss of income, emotional distress, humiliation, loss of professional reputation, and other damages.

235. Defendants' actions were willful, malicious, and/or conducted with reckless indifference to Plaintiff's protected rights.

Count V, Illegal Retaliation in Violation of Title VII

236. Plaintiff hereby repeats and realleges Paragraphs 1 to 235 of this Complaint as if fully set forth herein.

237. Plaintiff engaged in an activity protected under Title VII when she complained about the discrimination and harassment she was experiencing at Defendants based on her sex.

238. Defendants, acting at all times described above by and through their senior management including Dr. Leffert, was aware of Plaintiff's complaints and was provided with substantial notice of them.

239. Defendants retaliated and took adverse action against Plaintiff when it denied her opportunities and terminated her employment while instead giving those to other employees as described hereinabove.

240. Defendants further retaliated against the Plaintiff for her protected complaints of discrimination and harassment by terminating her for self-serving and dishonest reasons intended to cover up the unlawful retaliatory nature of the Plaintiff's termination.

241. A causal connection exists between Defendants' adverse retaliatory actions against the Plaintiff and the protected activity of reporting discrimination including through temporal proximity between the adverse actions and the protected activity and in the circumstances which reveal the retaliatory animus by Defendants' agents including Dr. Leffert.

242. Defendants cannot and has not offered a legitimate non-discriminatory reason for the adverse actions taken against Plaintiff. Plaintiff was an extremely high-performing employee, and any proffered explanation by Defendants for such adverse actions is a pretext for unlawful retaliation.

243. Defendants' retaliatory actions as described hereinabove constitute a violation of Title VII.

244. The acts described herein occurred as part of a continuing pattern of discriminatory conduct that began outside the applicable statutory filing period but continued through the time

Plaintiff filed an administrative charge with the Connecticut Commission on Human Rights and Opportunities and the Equal Employment Opportunity Commission.

245. Defendants' discriminatory conduct constitutes a continuing violation under Title VII, as the discriminatory actions were not isolated or discrete but rather were ongoing and part of a systematic and continuous policy and practice of discrimination.

246. At least one act in furtherance of this discriminatory pattern occurred within the statutory period prior to the filing of Plaintiff's charge of discrimination with the CHRO and/or EEOC, thereby rendering all related conduct timely and actionable under the continuing violations doctrine.

247. Defendants' actions were willful, malicious, and/or conducted with reckless indifference to Plaintiff's federally protected rights.

248. The retaliation by Defendants is the direct and proximate caused the Plaintiff to suffer losses and damages including loss of income, emotional distress, humiliation, loss of professional reputation, and other damages.

Count VI, Discrimination Based on Disability in Violation of the ADA

249. Plaintiff repeats and realleges the allegations of Paragraphs 1 through 248, as if fully set forth herein.

250. Plaintiff is and was regarded as being disabled by Defendant.

251. Defendants are covered by the ADA and are subject to its mandates.

252. At all relevant times the Plaintiff was qualified to perform the essential functions of her job, with or without reasonable accommodation.

253. At all relevant times, the Plaintiff performed at or above the standards required for her work as an assistant professor on a clinical track.

254. Plaintiff suffered adverse employment action because of her disability or perceived disability including abuse and termination.

255. Plaintiff notified Defendants of her need for accommodations due to her disability. Plaintiff's sought accommodations were approved by Defendant. However, Defendants continued to subject Plaintiff to behavior and treatment in violation of the sought accommodation, and subsequently she was terminated.

256. Agents of Defendants, including Dr. Leffert, stated that due to Plaintiff's disability she would be better off working elsewhere.

257. Agents of Defendants, including Dr. Leffert, specifically targeted and harassed Plaintiff because of her disability.

258. Agents of Defendants, including Dr. Leffert, gave individuals without Plaintiff's disability preferential treatment.

259. The adverse employment action taken against Plaintiff as described herein above were substantially motivated by the discriminatory animus of Defendants, by and through their employees, based on Plaintiff's disability.

260. Defendants cannot provide a legitimate, non-discriminatory reason for these adverse actions taken against the Plaintiff. Any excuse proffered by Defendants is not legitimate and is merely a pretext for discrimination based on the Plaintiff's disability.

261. The acts described herein occurred as part of a continuing pattern of discriminatory conduct that began outside the applicable statutory filing period but continued through the time Plaintiff filed an administrative charge with the Connecticut Commission on Human Rights and Opportunities and the Equal Employment Opportunity Commission.

262. Defendants' discriminatory conduct constitutes a continuing violation under the ADA, as

the discriminatory actions were not isolated or discrete but rather were ongoing and part of a systematic and continuous policy and practice of discrimination.

263. At least one act in furtherance of this discriminatory pattern occurred within the statutory period prior to the filing of Plaintiff's charge of discrimination with the CHRO and/or EEOC, thereby rendering all related conduct timely and actionable under the continuing violations doctrine.

264. Defendants' actions were willful, malicious, and/or conducted with reckless indifference to Plaintiff's federally protected rights.

265. As a result of Defendants' conduct, Plaintiff has suffered and will continue to suffer damages and losses including, but not limited to, reputational harm, lost wages, lost employment benefits, emotional distress, and Plaintiff has incurred and will continue to incur attorney's fees, expenses, and costs.

Count VII, Discrimination Based on Disability in Violation of CFEPA

266. Plaintiff repeats and realleges the allegations of Paragraphs 1 through 265, as if fully set forth herein.

267. Plaintiff is and was regarded as being disabled by Defendant.

268. Defendants is covered by the CFEPA and is subject to its mandates.

269. At all relevant times the Plaintiff was qualified to perform the essential functions of her job, with or without reasonable accommodation.

270. At all relevant times, the Plaintiff performed at or above the standards required for her work as an assistant professor on a clinical track.

271. Plaintiff suffered adverse employment action because of her disability or perceived disability including abuse and termination.

272. Plaintiff notified Defendants of her need for accommodations due to her disability. Plaintiff's sought accommodations were approved by Defendant. However, Defendants continued to subject Plaintiff to behavior and treatment in violation of the sought accommodation, and subsequently she was terminated.

273. Agents of Defendants, including Dr. Leffert, stated that due to Plaintiff's disability she would be better off working elsewhere.

274. Agents of Defendants, including Dr. Leffert, specifically targeted and harassed Plaintiff because of her disability.

275. Agents of Defendants, including Dr. Leffert, gave individuals without Plaintiff's disability preferential treatment.

276. The adverse employment action taken against Plaintiff as described herein above were substantially motivated by the discriminatory animus of Defendants, by and through their employees, based on Plaintiff's disability.

277. Defendants cannot provide a legitimate, non-discriminatory reason for this adverse action taken against the Plaintiff. Any excuse proffered by Defendants is not legitimate and is merely a pretext for discrimination based on the Plaintiff's disability.

278. The acts described herein occurred as part of a continuing pattern of discriminatory conduct that began outside the applicable statutory filing period but continued through the time Plaintiff filed an administrative charge with the Connecticut Commission on Human Rights and Opportunities and the Equal Employment Opportunity Commission.

279. Defendants' discriminatory conduct constitutes a continuing violation under CFEPA, as the discriminatory actions were not isolated or discrete but rather were ongoing and part of a systematic and continuous policy and practice of discrimination.

280. At least one act in furtherance of this discriminatory pattern occurred within the statutory period prior to the filing of Plaintiff's charge of discrimination with the CHRO and/or EEOC, thereby rendering all related conduct timely and actionable under the continuing violations doctrine.

281. Defendants' actions were willful, malicious, and/or conducted with reckless indifference to Plaintiff's protected rights.

282. As a result of Defendants' conduct, Plaintiff has suffered and will continue to suffer damages and losses including, but not limited to, reputational harm, lost wages, lost employment benefits, emotional distress, and Plaintiff has incurred and will continue to incur attorney's fees, expenses, and costs.

Count VIII, Illegal Retaliation in Violation of the CFEPa

283. Plaintiff hereby repeats and realleges Paragraphs 1 to 282 of this Complaint as if fully set forth herein.

284. Plaintiff engaged in an activity protected under CFEPa when she complained about the discrimination and harassment she was experiencing at Defendants based on her sex and/or her disability.

285. Defendants, acting at all times described above by and through their agents, such as Dr. Leffert, were aware of Plaintiff's complaints and was provided with substantial notice of them.

286. Defendants were always aware of Plaintiff's gender.

287. Defendants were aware of Plaintiff's disability when they took retaliatory actions against Defendant.

288. Defendants retaliated and took adverse action against Plaintiff when it penalized her from raising complaints, denied her preferred assignment, denied her preferred scheduling and gave preference to other male and non-disabled employees as described hereinabove.

289. Defendants further retaliated against the Plaintiff for her protected complaints of discrimination and harassment by terminating her for absurd and arbitrary reasons intended to cover up the unlawful retaliatory nature of the Plaintiff's termination.

290. A causal connection exists between Defendants' adverse retaliatory actions against the Plaintiff and the protected activity of reporting discrimination including through temporal proximity between the adverse actions and the protected activity and in the circumstances which reveal the retaliatory animus by Defendants' agents such as Dr. Leffert.

291. Defendants cannot and has not offered a legitimate non-discriminatory reason for the adverse actions taken against Plaintiff. Plaintiff was an extremely high-performing employee, and any proffered explanation by Defendants for such adverse actions is a pretext for unlawful retaliation.

292. Defendants' retaliatory actions as described hereinabove constitute a violation of CFEPa.

293. The acts described herein occurred as part of a continuing pattern of discriminatory conduct that began outside the applicable statutory filing period but continued through the time Plaintiff filed an administrative charge with the Connecticut Commission on Human Rights and Opportunities.

294. Defendants' discriminatory conduct constitutes a continuing violation under CFEPa, as the discriminatory actions were not isolated or discrete but rather were ongoing and part of a systematic and continuous policy and practice of discrimination.

295. At least one act in furtherance of this discriminatory pattern occurred within the statutory period prior to the filing of Plaintiff's charge of discrimination with the CHRO, thereby rendering all related conduct timely and actionable under the continuing violations doctrine.

296. Defendants' actions were willful, malicious, and/or conducted with reckless indifference to Plaintiff's protected rights.

297. The retaliation by Defendants is a direct and proximate cause of Plaintiff having suffered and continuing to suffer loss of income, emotional distress, humiliation, loss of professional reputation, and other damages.

Count IX, Illegal Retaliation in Violation of the ADA

298. Plaintiff hereby repeats and realleges Paragraphs 1 to 297 of this Complaint as if fully set forth herein.

299. Plaintiff engaged in an activity protected under the ADA when she complained about the discrimination and harassment she was experiencing at Defendants based on her sex and/or her disability.

300. Defendants, acting at all times described above by and through their agents, such as Dr. Leffert, were aware of Plaintiff's complaints and was provided with substantial notice of them.

301. Defendants were aware of Plaintiff's disability when they took retaliatory actions against Defendant.

302. Defendants retaliated and took adverse action against Plaintiff when it penalized her from raising complaints, denied her preferred assignment, denied her preferred scheduling and gave preference to other male and non-disabled employees as described hereinabove.

303. Defendants further retaliated against the Plaintiff for her protected complaints of discrimination and harassment by terminating her for absurd and arbitrary reasons intended to cover up the unlawful retaliatory nature of the Plaintiff's termination.

304. A causal connection exists between Defendants' adverse retaliatory actions against the Plaintiff and the protected activity of reporting discrimination including through temporal proximity between the adverse actions and the protected activity and in the circumstances which reveal the retaliatory animus by Defendants' agents such as Dr. Leffert.

305. Defendants cannot and has not offered a legitimate non-discriminatory reason for the adverse actions taken against Plaintiff. Plaintiff was an extremely high-performing employee, and any proffered explanation by Defendants for such adverse actions is a pretext for unlawful retaliation.

306. Defendants' retaliatory actions as described hereinabove constitute a violation of the ADA.

307. The acts described herein occurred as part of a continuing pattern of discriminatory conduct that began outside the applicable statutory filing period but continued through the time Plaintiff filed an administrative charge with the Connecticut Commission on Human Rights and Opportunities and the Equal Employment Opportunity Commission.

308. Defendants' discriminatory conduct constitutes a continuing violation under the ADA, as the discriminatory actions were not isolated or discrete but rather were ongoing and part of a systematic and continuous policy and practice of discrimination.

309. At least one act in furtherance of this discriminatory pattern occurred within the statutory period prior to the filing of Plaintiff's charge of discrimination with the CHRO and/or EEOC,

thereby rendering all related conduct timely and actionable under the continuing violations doctrine.

310. Defendants' actions were willful, malicious, and/or conducted with reckless indifference to Plaintiff's federally protected rights.

311. As a direct and proximate result of Defendants' ongoing retaliatory and discriminatory practices, Plaintiff has suffered and continues to suffer loss of income, emotional distress, humiliation, loss of professional reputation, and other damages.

Count X, Discrimination in Violation of Title IX

312. Plaintiff hereby repeats and realleges Paragraphs 1 to 311 of this Complaint as if fully set forth herein.

313. Title IX of the Education Amendments Act of 1972 states, "No person in the United States shall on the basis of sex, be ... subject to discrimination under any education program or activity receiving Federal financial assistance."

314. By the above described conduct, Plaintiffs was discriminated against on the basis of their sex by Defendants, including but not limited to by sexual misconduct, sexual harassment by its agents such as doctors Pan, Marando, Lombardo, and Leffert.

315. By the above described conduct, Defendants were on notice of the discriminatory conduct engaged in by faculty and staff in the employ of Defendants. Defendants failed to carry out their duties and obligations pursuant to Title IX to investigate and take corrective action.

316. By the above described conduct, Defendants allowed and fostered an environment in which discriminatory and harassing practices that were, and continue to be, sufficiently severe or pervasive to create an environment that is both subjectively and objectively hostile, abusive and retaliatory.

317. By the above described conduct, Defendants tolerated, condoned, ratified and/or engaged in the sexually abusive environment, or, in the alternative, knew, or should have known, of its existence, yet failed to conduct proper investigations and failed to take remedial action.

318. By reason of the continuous and ongoing nature of the above-described sexual harassment and sexual discrimination conduct, Plaintiffs are entitled to the application of the continuing violation doctrine to the unlawful acts alleged herein.

319. As a direct and proximate result of Defendants' unlawful actions or inactions, Plaintiff has suffered, and will continue to suffer, harm, including, but not limited to, loss of future educational and employment opportunities, humiliation, embarrassment, reputational harm, emotional and physical distress, mental anguish and other economic damages and non-economic damages.

320. The acts described herein occurred as part of a continuing pattern of discriminatory conduct that began outside the applicable statutory filing period but continued through the time Plaintiff filed an administrative charge with the Connecticut Commission on Human Rights and Opportunities and the Equal Employment Opportunity Commission.

321. Defendants' discriminatory conduct constitutes a continuing violation under Title IX, as the discriminatory actions were not isolated or discrete but rather were ongoing and part of a systematic and continuous policy and practice of discrimination.

322. At least one act in furtherance of this discriminatory pattern occurred within the statutory period prior to the filing of Plaintiff's charge of discrimination with the CHRO and/or EEOC, thereby rendering all related conduct timely and actionable under the continuing violations doctrine.

323. As a direct and proximate result of Defendants' ongoing discriminatory practices,

Plaintiff has suffered and continues to suffer loss of income, emotional distress, humiliation, loss of professional reputation, and other damages.

324. Defendants' actions were willful, malicious, and/or conducted with reckless indifference to Plaintiff's federally protected rights.

325. Plaintiff is entitled to all legal and equitable remedies available for violations of Title IX, including compensatory damages, attorneys' fees and costs and other appropriate relief.

Count X, Illegal Retaliation in Violation of Title IX

326. Plaintiff repeats and realleges the allegations of Paragraphs 1 through 325, as if fully set forth herein.

327. By the above described conduct, Defendants have retaliated against Plaintiff in violation of Title IX by, inter alia, failing to properly investigate her claims of discrimination and sexual harassment in retaliation of their protected activity and by instigating retaliatory investigation practices.

328. As a direct and proximate result of Defendants' unlawful conduct in violation of Title IX, Plaintiff has suffered, and continue to suffer, harm for which they are entitled to an award of damages to the greatest extent permitted by law, including, but not limited to, monetary and/or economic harm, for which they are entitled to an award of monetary damages.

329. As a direct and proximate result of Defendants' unlawful actions, Plaintiff has suffered, and will continue to suffer, harm, including, but not limited to, loss of future educational and employment opportunities, humiliation, embarrassment, reputational harm, emotional and physical distress, mental anguish and other economic damages and non-economic damages.

330. The acts described herein occurred as part of a continuing pattern of retaliatory discriminatory conduct that began outside the applicable statutory filing period but continued

through the time Plaintiff filed an administrative charge with the Connecticut Commission on Human Rights and Opportunities and the Equal Employment Opportunity Commission.

331. Defendants' retaliation and discriminatory conduct constitutes a continuing violation under Title IX, as the discriminatory actions were not isolated or discrete but rather were ongoing and part of a systematic and continuous policy and practice of discrimination.

332. At least one act in furtherance of this retaliatory and discriminatory pattern occurred within the statutory period prior to the filing of Plaintiff's charge of discrimination with the CHRO and/or EEOC, thereby rendering all related conduct timely and actionable under the continuing violations doctrine.

333. As a direct and proximate result of Defendants' ongoing retaliatory and discriminatory practices, Plaintiff has suffered and continues to suffer loss of income, emotional distress, humiliation, loss of professional reputation, and other damages.

334. Defendants' actions were willful, malicious, and/or conducted with reckless indifference to Plaintiff's federally protected rights.

335. Plaintiff is entitled to all legal and equitable remedies available for violations of Title IX, including compensatory damages, attorneys' fees and costs and other appropriate relief.

Count XI, Whistleblower Retaliation Pursuant to Conn. Gen. Stat. § 31-51q

336. Plaintiff repeats and realleges the allegations of Paragraphs 1 through 335, as if fully set forth herein.

337. On May 19, 2021, Plaintiff made her first complaints of discrimination and harassment against her as a woman by men in at SRC. The complaints were heard by the Assistant Director of the Department of Anesthesiology, the Director of the Department of Anesthesiology, and the Director of Professionalism and Leadership Development.

338. On multiple occasions, Plaintiff engaged in protected activity by raising complaints to Dr. Leffert.

339. Dr. Leffert was also aware of Plaintiff's history as a victim of discriminatory treatment as far back as Sept 10, 2021. At their first meeting with Dr. Leffert, witnessed Plaintiff being brought to tears recounting how emotionally damaging her discriminatory treatment was at SRC.

340. The first indication of Dr. Leffert's intolerance of complaints was displayed at their very next meeting on October 20, 2021. Dr. Leffert's advice to a victim of discriminatory harassment was to ignore it and move on.

341. On March 10, 2022, Plaintiff who had previously experienced discrimination in her scheduling at SRC met with Dr. Leffert seeking a resolution that would address the concern of being scheduled with only 3 weekends off in five months.

342. Dr. Leffert's explanation for this was that it was a result of her seeking a vacation in June, a vacation for a medical procedure for a protected activity.

343. Next, when Plaintiff had serious ethical concerns about HIPAA violations and practice misconduct of Dr. Alian, Dr. Leffert feigned complete disinterest and a lack of any knowledge.

344. Instead, Dr. Leffert decided to attack the Plaintiff for engaging in this protected activity.

345. The proximity in time to Dr. Leffert's decision to deny Plaintiff preferred placement and designate her for termination is a direct imputation of retaliatory conduct for Plaintiff's protected activity.

346. Following Plaintiff's protected disclosures and protected complaints of discriminatory treatment, Dr. Leffert engaged in a pattern of manipulation, abuse and retaliatory conduct that extended through to Plaintiff's termination.

347. Plaintiff had a reasonable cause to believe that the activity she disclosed to management

constituted a violation of the law.

348. Plaintiff exercised rights protected by the First Amendment to the United States Constitution and/or Article First, §§ 3, 4, and/or 14 of the Connecticut Constitution by speaking out on matters of public concern, reporting misconduct, and engaging in lawful expressive conduct.

349. Plaintiff's complaints regarding the proposed unlawful activity were protected speech pursuant to Connecticut General Statute § 31-51q.

350. Plaintiff's complaints are causally linked to Plaintiff's termination in that Defendants terminated Plaintiff's employment after her complaints were made.

351. The protected speech contained in Plaintiff's complaints did not interfere with the central purposes of the employment relationship because the protected speech was based on those very purposes.

352. Plaintiff was terminated in retaliation for her protected speech.

353. These actions were not isolated events but rather constituted a continuing course of conduct that was retaliatory in nature and aimed at punishing the Plaintiff for exercising their constitutionally protected rights.

354. At least one of the retaliatory acts occurred within the applicable statute of limitations period for this action making Defendants liable for all acts under the continuing violations doctrine

355. As a result of Plaintiff's termination for protected speech, she suffered losses and damages as a result of lost wages, benefits, and incentives.

356. Plaintiff is entitled to punitive damages and reasonable attorney's fees and costs as a result of Defendants' unlawful retaliation.

357. Defendants must be held liable on this Count.

Count XII, Violation of Title III of the Americans with Disabilities Act

(42 U.S.C. § 12181 et seq.)

358. Plaintiff repeats and realleges the allegations of Paragraphs 1 through 357, as if fully set forth herein.

359. Defendants are a private university and a private hospital that both operate places of public accommodation as defined under Title III of the Americans with Disabilities Act, 42 U.S.C. § 12181(7)(J), and implementing regulations at 28 C.F.R. § 36.104.

360. Plaintiff is an individual with a disability within the meaning of 42 U.S.C. § 12102. Plaintiff has been diagnosed with one or more mental health conditions that substantially limit one or more major life activities, including but not limited to concentrating, sleeping, learning, and regulating mood and emotions.

361. At all relevant times, Plaintiff was a qualified individual with a disability who was eligible to participate in Yale's educational programs and services and requested reasonable accommodations to access and benefit from those programs.

362. Defendants knew or should have known of Plaintiff's disability and the need for reasonable accommodations.

363. Plaintiff made timely and reasonable requests for accommodations related to their mental health, including but not limited to adjustments to her schedule, adjustments to discussion of career paths, adjustments to discussion of academic research, and access to support services.

364. Defendants, through their agents and administrators, denied or unreasonably delayed providing the requested accommodations, and/or imposed conditions that were discriminatory, overly burdensome, or not justified by any legitimate academic or institutional necessity.

365. Defendants' actions and inactions denied Plaintiff full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of its place of public accommodation, in violation of 42 U.S.C. § 12182(a).

366. As a direct and proximate result of Defendants' failure to accommodate Plaintiff's mental health disability, Plaintiff has suffered irreparable harm, including emotional distress, academic disruption, reputational harm, and other damages.

367. Plaintiff is entitled to injunctive relief pursuant to 42 U.S.C. § 12188(a), as well as attorney's fees and costs under 42 U.S.C. § 12205.

368. Defendants must be held liable on this Count.

Count XIII, Wrongful Termination in Violation of Public Policy

369. Plaintiff repeats and realleges the allegations of Paragraphs 1 through 368, as if fully set forth herein.

370. Defendants cannot demonstrate poor performance because it has failed to document any history of poor performance during the period of Plaintiff's employment because there were no issues with poor performance. Plaintiff was at all times qualified to perform her job duties and was a highly skilled and successful employee.

371. The extreme and outrageous conduct of the agents of the Defendant and the emotional threatening of Plaintiff at work, violated public policy in the State of Connecticut in that Defendants failed to provide Plaintiff with a reasonably safe place to work and reasonably competent supervisors and co-workers to work with as set forth in Conn. Gen. Stat. § 31-49. C.G.S. § 31-49 expresses a strong public policy that Connecticut employers must provide a reasonably safe work environment and reasonably competent co-workers and supervisors. This strong public policy as set forth in the above statute supports Plaintiff's common law cause of

action for wrongful termination here.

372. Dr. Dan Lombardo and his male colleagues created a hostile work environment due based on the discriminatory harassment of client's gender. Her report of this behavior was a protected activity that was retaliated against and used as a further basis of discrimination.

373. The only justification provided by Defendants of Dr. Alian's discriminatory treatment of Plaintiff's scheduling has been that it was due to her taking a protected leave to seek a maternal procedure.

374. Instead, the repeated request to address this was ignored by her managers and her managers' manager. Who instead attempted to deflect the concern and misstate the facts regarding her schedule.

375. Dr. Leffert was blatantly hostile as Plaintiff's director and to Plaintiff's complaints about her direct managers, and this created an unsafe work environment in that the psychological impact through her threatening, emotionally abusive, and psychologically manipulative management tactics created a substantial and unreasonable risk of both physical and emotional harm to Plaintiff.

376. Dr. Leffert's attack on the Plaintiff were only ramped up when Plaintiff addressed ethical concerns about her manager's practice with HIPAA protected information.

377. The physical, psychological, and emotional welfare of Plaintiff was put at risk by the reckless and wanton conduct of Defendants acting through her managers and directors created a physically and emotionally unsafe and perilous working environment for Plaintiff because Plaintiff was trying to do her job in good faith and according to law and regulation.

378. On July 1, 2024, Plaintiff was terminated without cause after she sought an accommodation for a serious mental health issue.

379. As a result of Defendants' wrongful discharge, Plaintiff has suffered and will continue to suffer damages and losses including, but not limited to, reputational harm, lost wages, lost employment benefits, emotional distress, and Plaintiff has incurred and will continue to incur attorney's fees, expenses, and costs.

380. Defendants must be held liable on this Count.

Count XIV, Negligent Infliction of Emotional Distress

381. Plaintiff repleads, realleges and incorporates by reference paragraphs 1 through 380 above, as though fully set forth herein.

382. As set forth in detail hereinabove, the Defendants' conduct towards the Plaintiff created an unreasonable risk of causing the Plaintiff emotional distress and did in fact cause such distress.

383. The Plaintiff's distress was foreseeable by the Defendants, and the emotional distress was severe enough that it might result in illness or bodily harm to the Plaintiff.

384. The Defendants' conduct as set forth above was the cause of the Plaintiff's distress. Said distress was caused by the Defendants in the course of their discriminatory treatment and ultimate termination of the Plaintiff.

385. Defendants' conduct in terminating the Plaintiff as retaliation for reporting discriminatory and unethical conduct as well as the insulting and degrading sexual harassment jokes made at Plaintiff's expense at SRC and the ongoing harassment and gaslighting was so extreme and outrageous that it altered the Plaintiff's working conditions and caused undue emotional distress.

386. The Defendants had a duty of ordinary care in the way they conducted handling of employee complaints, accommodating employee disabilities, and termination of employees such as the Plaintiff. This duty was based on the employee employer relationship.

387. The Defendants engaged in a continuing course of conduct that it knew or should have known would cause the Plaintiff emotional distress.

388. The Defendants breached its duty of ordinary care in its misconduct towards the Plaintiff in the course of its abuse and ultimate termination of her employment as aforesaid.

389. The Defendants' ongoing misconduct included, but was not limited to, creating and maintaining a hostile or toxic work environment; failing to investigate or remedy known harassment or retaliation, repeatedly subjecting the Plaintiff to unwarranted scrutiny or discipline; failing to intervene or protect the Plaintiff from ongoing mistreatment.

390. This conduct was unreasonable under the circumstances and created an environment in which it was reasonably foreseeable that the Plaintiff would suffer emotional distress.

391. The Defendant's actions were not isolated incidents but rather part of a continuous, interrelated pattern of negligent behavior that persisted over time and culminated in Plaintiff's mental breakdown and employment termination.

392. At least one act of the Defendants' negligent conduct occurred within the applicable statute of limitations for this action.

393. Because the Defendants' conduct constituted a continuing course of negligent behavior, the Plaintiff is entitled to recover for the entirety of the harm caused, including conduct that occurred outside the limitations period, under the continuing violations doctrine.

394. As a direct result of the Defendants' negligent and careless actions as aforesaid, the Plaintiff suffered emotional distress including depression, difficulty sleeping, suicidal ideation, psychomotor agitation, feelings of worthlessness, fatigue, change in weight, and grave concerns over her future, all to her loss and damage. These items are noted by the therapists, Jordan Faigen of Shoreline Therapy Center and Dayna Giodano, APRN, both of whom Plaintiff began

seeing as a result of the Defendant's actions. Her experience with Defendant due to their toxic work environment was detrimental to her health and well-being.

395. As a further direct result of the Defendants' negligent and careless actions as aforesaid, the Plaintiff was caused to incur medical expenses and is likely to continue to require medical treatment and expenses, all to her loss and damage.

396. Defendant must be held liable on this Count.

Count XV, Intentional Infliction of Emotional Distress

397. Plaintiff repeats and realleges the allegations of Paragraphs 1 through 396, as if fully set forth herein.

398. The actions of Defendant as set forth above, including the acts of discrimination including without limitation being subjected unequal treatment, psychological abuse, lack of support, harassment, retaliation, and ultimately, termination.

399. In taking the above described actions against Plaintiff, Defendant intended to inflict emotional distress, or it knew or should have known that emotional distress was the likely result of its conduct.

400. At all times relevant hereto, the Defendants, through their agents, officers, supervisors, and/or employees, engaged in extreme and outrageous conduct toward the Plaintiff.

401. The emotional distress sustained by Plaintiff was severe and pervasive.

402. This conduct was extreme and outrageous, exceeding all bounds usually tolerated by decent society.

403. The Defendants' conduct was undertaken intentionally or with reckless disregard for the likelihood that it would cause the Plaintiff severe emotional distress.

404. The Defendants' actions were not isolated, but instead constituted a continuing pattern of

unlawful and tortious behavior, occurring regularly over a sustained period of time, and forming a single, unified scheme intended to intimidate, silence, or punish the Plaintiff.

405. At least one overt act of emotional abuse or harassment occurred within the applicable statute of limitations period for this claim.

406. As a direct and proximate result of the Defendants' conduct, the Plaintiff has suffered, and continues to suffer, severe emotional distress, including but not limited to anxiety, humiliation, loss of sleep, and damage to reputation and dignity.

407. Plaintiff is entitled to recover for the full extent of the harm caused by the Defendants' ongoing tortious conduct, including acts occurring outside the limitations period, under the continuing violations doctrine.

408. As a direct result of Defendants' intentional actions, Plaintiff experienced severe depression, difficulty sleeping, suicidal ideation, psychomotor agitation, feelings of worthlessness, fatigue, change in weight, and grave concerns over her future. These items are noted by the therapists, Jordan Faigen of Shoreline Therapy Center and Dayna Giodano, APRN, both of whom Plaintiff began seeing as a result of the Defendants' actions. Her experience with Defendant due to their toxic work environment was detrimental to her health and well-being.

409. As a further direct result of the Defendants' negligent and careless actions as aforesaid, the Plaintiff was caused to incur medical expenses and is likely to continue to require medical treatment and expenses, all to her loss and damage.

410. Defendant must be held liable on this Count.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff hereby requests the following relief:

- A. Award of compensatory money damages for lost incentives, benefits, wages, and earnings;
- B. Award of punitive damages for reckless conduct;
- C. Award attorneys' fees and costs pursuant to state and federal statutes herein;
- D. Award pre-judgement interest;
- E. Award post-judgement interest;
- F. Reinstatement of position as an Assistant Professor of the Department of Anesthesiology in the Academic Clinician Track of the Yale School of Medicine;
- G. A neutral reference agreement;
- H. Award of compensatory money damages for severe emotional distress; and
- I. Award such other relief in law or equity as this Court deems appropriate.

DEMAND FOR JURY TRIAL

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

Respectfully Submitted,

DR. ALISON SCHMECK,
PLAINTIFF

By: /s/ Mark P. Carey
Mark P. Carey (ct17828)
Carey & Associates, P.C.
71 Old Post Road, Suite One
Southport, CT 06890
(203) 255-4150 tel
(203) 255-0380 fax
mcarey@capclaw.com
HER ATTORNEYS

EXHIBIT A

**STATE OF CONNECTICUT
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES**

Allison Schmeck
COMPLAINANT

vs.

CHRO No. 2430640
EEOC No. 16A202401070

Yale University
RESPONDENT

RELEASE OF JURISDICTION

The Commission on Human Rights and Opportunities hereby releases its jurisdiction over the above-identified complaint. The Complainant is authorized to commence a civil action in accordance with CONN. GEN. STAT. § 46a-100 against the Respondent in the Superior Court for the judicial district in which the discriminatory practice is alleged to have occurred, in which the Respondent transacts business or in which the Complainant resides. If this action involves a state agency or official, it may be brought in the Superior Court for the judicial district of Hartford.

A copy of any civil action brought pursuant to this release must be served on the Commission at ROJ@ct.gov or at 450 Columbus Blvd., Suite 2, Hartford, CT 06103 at the same time all other parties are served. Electronic service is preferred. **THE COMMISSION MUST BE SERVED BECAUSE IT HAS A RIGHT TO INTERVENE IN ANY ACTION BASED ON A RELEASE OF JURISDICTION PURSUANT TO CONN. GEN. STAT. § 46a-103.**

The Complainant must bring an action in Superior Court within 90 days of receipt of this release and within two years of the date of filing the complaint with the Commission unless circumstances tolling the statute of limitations are present.



DATE: May 8, 2025

Tanya A. Hughes, Executive Director

cc:

Complainant's Attorney: Tyler Balding, Esq.
tbalding@capclaw.com

Respondent's Atty.: Caroline Hendel, Esq.
Caroline.hendel@yale.edu

Case File

EXHIBIT B



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

New York District Office
33 Whitehall St, 5th Floor
New York, NY 10004
(929) 506-5270
Website: www.eeoc.gov

DISMISSAL AND NOTICE OF RIGHTS

(This Notice replaces EEOC FORMS 161, 161-A & 161-B)

Issued On: 05/08/2025

To: Allison Schmeck

[REDACTED]
New Haven, CT 06511
[REDACTED]

Charge No: 16A-2024-01070

EEOC Representative and email: AMON KINSEY
Supervisory Investigator
AMON.KINSEY@EEOC.GOV

DISMISSAL OF CHARGE

The EEOC has granted your request for a Notice of Right to Sue, and more than 180 days have passed since the filing of this charge.

The EEOC is terminating its processing of this charge.

NOTICE OF YOUR RIGHT TO SUE

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice.** Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission,

Digitally Signed By: Arlean Nieto
05/08/2025

Arlean Nieto
Acting District Director

Cc:

YALE UNIVERSITY
c/o: Caroline Hendel
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New Haven, CT 06510
Caroline.hendel@yale.edu

Tyler Balding
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Mark P Carey
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mcarey@capclaw.com

Please retain this notice for your records.