

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NAFEESA SYEED AND NAULA
NDUGGA, ON BEHALF OF HERSELF
AND SIMILARLY SITUATED WOMEN,

Case No 20-cv-07464 (GHW)

Plaintiffs,

-against-

BLOOMBERG L.P.,

Defendant.

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**THIRD AMENDED COMPLAINT
on behalf of Naula Ndugga**

JURY TRIAL DEMANDED

Plaintiff Naula Ndugga, on behalf of herself and similarly situated women employees and former employees, by her attorneys, The Clancy Law Firm, P.C. and Cohen Milstein Sellers & Toll PLLC, complaining against Defendant Bloomberg L.P., upon information and belief, and at all relevant times, allege as follows:

INTRODUCTION

1. Plaintiff, a current Bloomberg L.P. News producer, brings this case to challenge systemic sex discrimination in compensation, which was directed from the highest levels at Bloomberg Media and adversely affected her own career, as well as those of hundreds of other women who work or worked at Bloomberg Media as Reporters, Producers, or Editors. Plaintiff and the proposed class were subject to compensation decisions that were intended to, and had the effect of, adversely affecting women, which were made by the Editorial Management Committee, a small group consisting solely of white men, based in New York, which systematically favored white men like the committee members over women such as Plaintiff and the proposed class. In particular, the Editorial Management Committee set new hire pay rates –

which set the basis of salary for those individuals as they progress in Defendant's workforce – by relying significantly on their prior compensation before working at Bloomberg, notwithstanding that this factor is known to have, and has had a significant adverse impact on women.

JURISDICTION AND VENUE

2. Jurisdiction is proper in this Court, as the claims arise under Title VII and therefore present federal questions. 42 U.S.C. § 2000e-5(f)(3); 28 U.S.C. § 1331

3. This Court also has jurisdiction over the class-action claims against Defendants pursuant to 28 U.S.C. § 1332(d) because the amount in controversy for those claims exceeds the sum or value of \$5 million, exclusive of interest and costs, and at least one member of the plaintiff class is a citizen of a foreign state or a state different from any defendant.

4. This Court also has supplemental jurisdiction over state-law claims under 28 U.S.C. § 1367.

5. Venue is proper in this judicial district under 28 U.S.C. § 1391(b)-(c) and 42 U.S.C. § 2000e-5(f)(3), because Defendant's headquarters is located in this district, the personnel records relevant to this case are in this district, and the personnel practices challenged herein were directed or supervised by Defendant in this district.

6. Plaintiff has or will have exhausted her administrative remedies as required by Title VII. Plaintiff Naula Ndugga filed a charge with the EEOC on November 13, 2020, shortly before she first joined this action as a plaintiff in the Second Amended Complaint filed on November 13, 2020. She did not request a notice of her right to sue, but was issued one by the EEOC on February 2, 2021. At the time the notice of right to sue was issued, the Second Amended Complaint which included Ms. Ndugga's Title VII allegations, was pending before this Court. The notice of right to sue was filed on February 12, 2021 in connection with Plaintiff's opposition to Defendant's motion to dismiss the Second Amended Complaint. The

allegations of this Third Amended Complaint relate back to the allegations of the Second Amended Complaint, and the February 2, 2021 notice of right to sue thus provides administrative exhaustion for the claims pled in this Third Amended Complaint. In addition, Ms. Ndugga filed a timely second charge of discrimination, detailing acts of retaliation for her protected activity and continuing discrimination in compensation occurring after her November 13, 2020 charge. She has not received a notice of right to sue, but gives notice that when she does receive a notice of right to sue, she will seek to amend this complaint to incorporate those allegations, to the extent the allegations are not held to be sufficiently exhausted by her prior charge of discrimination.

PARTIES

7. Plaintiff Naula Ndugga is a Black, female citizen of the United States who currently resides in the State of New York. Plaintiff Ndugga has worked for Defendant Bloomberg since September, 2017, when she began as a paid intern. She has been a fulltime employee since January 29, 2018. Plaintiff Ndugga brings sex discrimination claims on behalf of herself and all female Reporters, Producers, and Editors. She also brings individual claims of sex and race discrimination and retaliation.

8. Plaintiff Nafeesa Syeed is a South Asian-American female citizen of the United States, who currently resides in the State of California. Plaintiff Syeed's claims are set forth in her Second Amended Complaint. Those claims were dismissed by this Court on October 25, 2021, without leave to refile. As such, Ms. Syeed is not re-pleading her claims in this Third Amended Complaint which is being filed on behalf of Plaintiff Ndugga and a proposed class of similarly situated women. Rather, Plaintiff Syeed stands on her Second Amended Complaint, and is awaiting entry of final judgment so that she may appeal dismissal of her Second Amended Complaint. Filing of the Third Amended Complaint by Plaintiff Ndugga does not waive Plaintiff

Syed's claims stated under the Second Amended Complaint.

9. Defendant Bloomberg L.P. is a foreign limited partnership existing under and by virtue of the laws of the State of Delaware. Bloomberg's global headquarters is in the City of New York, County of New York, and State of New York.

10. Defendant Bloomberg is an employer within the meaning of Title VII, 42 U.S.C. § 2000e(b), and within the meaning of New York City Administrative Code §§ 8-102(5) and 8-107.

FACTUAL BACKGROUND

Organization of Defendant's Business

11. Defendant Bloomberg was founded in 1981 by majority shareholder Michael Bloomberg. It is a privately held financial, software, data, and mass media company with annual earnings of approximately \$10 billion, and approximately 20,000 employees. It provides financial software tools and enterprise applications, such as analytics and equity trading platforms, data, services and news to financial companies through the Bloomberg Terminal and its online platforms.

12. Bloomberg includes Bloomberg Media, which employs approximately 2,700 people engaged in work as reporters and editors,¹ located in more than 120 News Bureaus worldwide,² including 31 Bureaus located in the United States. All Bureaus are managed and supervised from Bloomberg Media headquarters in New York.

¹ For those portions of Bloomberg Media that share their content via video or radio, the title used for individuals performing work comparable to reporters and editors is "producer." Where the Complaint refers to "Reporters, Producers, and Editors," Plaintiffs intend to include all employees performing such substantively similar work, including those with varying titles such as "senior reporter" or "correspondent."

² Pursuant to 42 U.S.C. § 2000e(f), US citizens employed in foreign countries by US employers such as Bloomberg, are "employees" under the protection of Title VII.

13. Bloomberg Media was co-founded in 1990 by Michael Bloomberg and Matthew Winkler, who served as Editor-in-Chief until December 2014.

14. At all relevant times, Defendant Bloomberg manages its Media division from its headquarters at 731 Lexington Ave., New York, NY. An all-male Editorial Management Committee controls decisions on both news content and all employment decisions. The Editorial Management Committee manages the Bloomberg Media operations from its offices in New York.

15. Content produced by Bloomberg Media is disseminated through the Bloomberg terminal, Bloomberg Television, Bloomberg Radio, Bloomberg Businessweek, Bloomberg Markets, Bloomberg Podcasts, Bloomberg QuickTake, Bloomberg Apps, and Bloomberg.com.

16. Bloomberg Media employs approximately 2,700 Reporters, Producers, and Editors. Approximately 1000 of the Reporters, Producers, and Editors are women. Reporters, Producers, and Editors are organized into Teams covering different subject areas, with a senior Editor as a Team Leader for purposes of day-to-day supervision. Team Leaders do not make hiring, promotion, or compensation decisions. Each News Bureau is led by a Bureau Chief. The Bureau Chiefs report to the Editorial Management Committee in New York. As set forth in detail below, all of the employment decisions regarding Reporters, Producers, and Editors challenged herein are made by the Editorial Management Committee.

17. The Editorial Management Committee, during the relevant time period, consists of Editor-in-Chief John Micklethwait, Chief Content Officer Marty Schenker, and Deputy Editor-in-Chief Reto Gregori. The Committee reports to Michael Bloomberg.

History of Sexism at Bloomberg LP

18. Defendant Bloomberg is a company with a long history of a systemic top-down sexist culture created and condoned by its Founder, CEO and Owner, Michael Bloomberg, and

its male executives. The environment in which the pay decisions that are the subject of this action are made has been permeated by conduct demeaning to women, and evidencing that the discrimination in pay women have been subjected to has been intentional.

19. In 2014, when Editor-in-Chief Winkler was preparing to transition to his current Emeritus role, the top candidate to fill the Editor-in-Chief position was reported to be Laurie Hays, a Harvard graduate, former Wall Street Journal reporter and Senior Executive Editor at Bloomberg Media since 2008. However, Michael Bloomberg passed her over in favor of Mr. Micklethwait, who came to Bloomberg from *The Economist*.³ Had Ms. Hays been chosen, she would have been the only female executive leader for Bloomberg Media. Instead, Mr. Micklethwait became Editor-in-Chief, and quickly demonstrated his hostility to women in Bloomberg Media by demoting or firing the most senior women, including Ellen Pollock, former Businessweek editor; Christine Harper, Executive Editor of Finance; Laura Zelenko (who initially replaced Laurie Hays as Senior Executive Editor, but then got demoted to head of Talent, Diversity, Training and Standards); and Angela Sun, Global Head of Strategy and Corporate Development.

20. In 2008, the EEOC filed a gender discrimination lawsuit alleging a pattern or practice of discrimination against women who were or had been pregnant while working at Bloomberg L.P.⁴ The lawsuit alleged that Mr. Bloomberg displayed a discriminatory attitude

³ Matthew Zeitlin, *Bloomberg Passed Over Its Top Woman Editor In Hiring A New Boss*, BuzzFeed News (Dec. 10, 2014, 4:36 PM), <https://www.buzzfeednews.com/article/matthewzeitlin/bloomberg-passed-over-its-top-woman-editor-in-hiri>. See also Luke O'Brien, *The mayor vs the mogul*, Politico (June 19, 2015, 12:31 PM), <https://www.politico.eu/article/the-mayor-vs-the-mogul/>.

⁴ The Associated Press, *58 women now suing Bloomberg L.P. for sex discrimination*, N.Y. Daily News (May 1, 2008, 9:45 PM), <http://www.nydailynews.com/news/58-women-suing-bloomberg-p-sex-discrimination-article-1.331323>.

toward pregnant women and new mothers, and that this culture was fostered at the company.⁵

The lawsuit accused Bloomberg of engaging in a pattern of demoting women, diminishing their duties, and excluding them from other job opportunities after they disclosed that they were pregnant and/or for discriminatory reasons based upon their sex.

21. The EEOC complaint alleged that “[t]his systemic, top-down discrimination against female employees is fostered, condoned and perpetrated by the highest levels of management within Bloomberg and by ownership of Bloomberg, to wit, Michael Bloomberg....”⁶

22. An earlier sexual harassment suit alleged that Mr. Bloomberg and other male managers at the company made “repeated and unwelcome” sexual comments, overtures and gestures, which contributed to an offensive, locker-room culture.⁷ For example, Mr. Bloomberg was alleged to have said, after informing several female employees that a male colleague was getting married, “All of you girls line up to give him [oral sex] as a wedding present.”⁸

23. Michael Bloomberg, Defendant Bloomberg Owner and CEO, assigned demeaning nicknames to woman employees he found unattractive, including “dogface” and “Stopatruckski” (referencing her weight and rhyming with her last name).⁹ Former Defendant Bloomberg employee, Maggie Berry, was proposed as a candidate for a promotion into a job that required

⁵ *Id.*

⁶ Sara Kugler, *Suit: Bloomberg condoned discrimination*, USA Today (Oct. 3, 2007), http://usatoday30.usatoday.com/money/economy/2007-10-03-2247216259_x.htm.

⁷ The Associated Press, *supra* n.4.

⁸ Michael Kranish, *Mike Bloomberg for years has battled women’s allegations of profane, sexist comments*, The Wash. Post (Feb. 15, 2020), <https://www.washingtonpost.com/graphics/2020/politics/michael-bloomberg-women/>.

⁹ *Id.*

interacting with clients. Mr. Bloomberg dismissed the opportunity based on Ms. Berry's physical appearance saying, "I will not have that fat woman representing my company." He ultimately hired a man for the job.¹⁰

24. Bloomberg Media's former Washington Editor, Al Hunt, was reportedly accused over the course of recent years by multiple women of walking around the News Bureau and giving unsolicited massages and verbally berating employees for minor infractions until his exit in 2018. Despite at least two financial settlements with women who complained about the male editor, he continued working in the D.C. Bureau for years, including during the time period when former employee Nafeesa Syeed worked in the D.C. Bureau.¹¹

25. The sexism that permeated Bloomberg's history was directly observed by Plaintiff and others. For example, in 2015, former employee Nafeesa Syeed witnessed Inal Ersan, a senior editor, make bullying remarks that demeaned her female colleagues while attempting to pass them off as "jokes." One of Ms. Syeed's younger female colleagues confided in Ms. Syeed that she repeatedly cried because of Mr. Ersan's harassment. When Mr. Ersan learned of Ms. Syeed's and her colleague's complaints, he taunted both women verbally and through writing in emails, "Go ahead...report me to HR," projecting confidence that HR would take no action against him. Managing Editor Barden was aware of Mr. Ersan's sexist behavior, and told Ms. Syeed he allowed Mr. Ersan to "get away with this" because Mr. Ersan had to watch all the depressing Arabic news channels in addition to his family living in war-torn Syria.

¹⁰ *Id.*

¹¹ Nicole Einbinder & Dakin Campbell, *Bloomberg News' former Washington editor Al Hunt was accused over the course of years of multiple women of giving unsolicited massages and verbally berating employees for minor infractions*, Bus. Insider (Mar. 2, 2020, 2:45 PM), <https://www.businessinsider.com/bloomberg-news-al-hunt-accused-unsolicited-massages-verbally-berating-employees-2020-3>.

26. Plaintiff Ndugga also experienced Bloomberg's sexist culture first hand. For example, as described in greater detail below, a male supervisor yelled at her in an aggressive, threatening manner, and when she complained, the male supervisor fabricated a defense of his behavior in which he portrayed her as an "angry Black woman." Following that episode, he ignored her and even omitted her from team emails that she needed to read to perform her job. He insulted her intelligence and worth as a Black female member of the team.

27. While working in the Washington Bureau, Ms. Syeed overheard male Editors make derogatory remarks against female minority employees, deriding their professional acumen and skill.

28. Ms. Syeed was paid well below the level of her male peers. During her 2017 mid-year review, her manager, Mr. Faries informed Ms. Syeed she could ask for a 5% raise during her year-end review. He revealed he was not supposed to invite such requests, but he felt she was doing a good job and a 5% increase would be a reasonable request. However, when Ms. Syeed met with him for her 2017 year-end review and requested the raise, Mr. Faries stated it was now "too late" to ask for a raise, and thus he would not even pass on the request. Ms. Syeed reminded him of his prior statements, and he said that she should have specifically asked for the raise in her written self-evaluation that went to HR and her manager before the manager completed his review. Ms. Syeed had never previously been informed that self-evaluations were the method of requesting salary raises.

29. In 2019, Shayla Gibson, a Spelman College graduate and former Bloomberg employee, wrote a letter to the president of the historically Black college, urging the college to cease cooperating in Defendant Bloomberg's recruitment efforts, describing Defendant Bloomberg as a "toxic and demoralizing system," and stating, "The experiences shared with me

range from being solicited for sexual favors to get ahead, to young women in their first year of work taking medical leave based on their severe emotional and mental stress experienced at the organization. Bloomberg LP will spend money investing in unconscious bias conversations but fail to acknowledge the conscious decision-making had by a select few that continue to marginalize people of color at the company.”¹²

30. Despite the vast nature and number of reported discriminatory internal complaints, Defendant Bloomberg has consistently denied receiving any internal complaints and therefore absolves itself of changing its culture through effective supervision and training from its top, down.¹³

31. On June 6, 2018, Ms. Syeed met with the Head of D.C. HR, Tamika Alexander, and discussed the racist and sexist culture of Defendant Bloomberg Media, including a supervisor’s reference to “diversity slots.” During her meeting with Ms. Alexander, Plaintiff Syeed stated, “I am probably not telling you anything you do not already know.” Ms. Alexander put her head down and responded, “Sadly, yes.” Ms. Alexander was all too aware of Bloomberg’s history of discrimination, as she previously complained to the EEOC about sex discrimination she suffered following her return from pregnancy leave.

Compensation and Evaluation

32. Successful job applicants are asked what their current or most recent salary is (“prior pay”). The Editorial Management Committee decides what salary is authorized when deciding to extend job offers, and does so largely based upon prior pay.

33. Most news organizations have gender pay discrepancies, so that reliance on prior

¹² Einbinder & Campbell, *supra* note 11.

¹³ *Id.*

pay in setting starting salary hurts women. The industry wide pay disparities average 10-15% and are well known.¹⁴

34. The Editorial Management Committee often agrees to offer more money to male reporters or editors seeking a better salary, but declines to do so for female new hires.

35. Male reporters are frequently hired at salaries that are \$20,000 or more above the salaries of their female peers.

36. Starting pay continues to impact compensation throughout employees' careers at Bloomberg Media, as even if pay raises were given equally to male and female employees, the disparities created with starting pay would continue, in a phenomenon recognized as "start low, stay low."

37. For example, Plaintiff Ndugga's pay as an intern was lower than the pay of other male interns. When she was hired as a producer, her starting salary was \$65,000, which was \$10,000 lower than the starting salary of male producers who were hired out of the same internship program. In her first three years, she received only cost of living increases, bringing her salary to approximately \$66,500; in her fourth year she finally received a merit raise of 5%,

¹⁴ Women's Media Ctr., *The Status of Women in the U.S. Media*, at 44-50 (2019), <https://womensmediacenter.com/assets/site/from-bsd/WMCStatusofWomeninUSMedia2019.pdf>; Katica Roy, *There's a gender crisis in media, and its threatening our democracy*, Fast Co. (Sept. 10, 2019), <https://www.fastcompany.com/90401548/theres-a-gender-crisis-in-media-and-its-threatening-our-democracy>; Gabby Miller, *New union study claims gender, racial pay inequities in Gannett newsrooms*, Columbia J. Rev. (Apr. 27, 2021), https://www.cjr.org/local_news/new-union-study-claims-gender-racial-pay-inequities-in-gannett-newsrooms.php; Courtney Connley, *New report from members of The Washington Post's union shows women and people of color are paid less*, (Nov. 7, 2019, 12:00 PM), Make It – CNBC, <https://www.cnbc.com/2019/11/07/new-study-shows-gender-and-racial-pay-gap-among-washington-post-staff.html>; Katie Hawkins-Gaar, *Male and female journalists still aren't paid the same. When and how can we demand change?* Poynter (July 28, 2017), <https://www.poynter.org/business-work/2017/male-and-female-journalists-still-arent-paid-the-same-when-and-how-can-we-demand-change-update/>.

bringing her salary to approximately \$70,000 – still less than the *starting* salary of her male peers.

38. Moreover, employees are prohibited from discussing salaries with coworkers. Pay secrecy has been shown to hurt women by depriving them of information they need to seek equal pay. If management or HR learns that employees have shared their own salary information with coworkers, they have reprimanded those employees for sharing purportedly “confidential” information.

39. Megan Murphy, then D.C. Bureau Chief, stated in 2015 that there was a known gender pay disparity in the News Bureaus and that requests for transparency were disfavored by the company. Many female colleagues spoke openly with Ms. Syeed about the gender pay disparity they observed.

40. Within the Washington, D.C. Bureau, as of 2018, the lowest paid female reporter earned approximately \$75,000 while the lowest paid male reporter was paid \$90,000. The highest paid senior male reporter earned \$230,000 but the highest paid woman made only \$180,000. There was an average pay disparity of 20%, seen at all levels in the news bureau. Men were paid more than similar women approximately 60-70% of the time. Significantly, the same Editorial Management Committee controls compensation decisions for New York, Washington, and every other part of Bloomberg Media.

41. Based upon employee compensation data and analysis published by the U.K.’s Government Equalities Office, within Defendant Bloomberg, women earn 80p for every £1 that men earn in terms of median hourly wages. Women’s “median hourly wage is 20.2% lower than men’s” in the 2020-21 report. Prior years were similar, showing women earned 78-79p for every

£1 that men earn.¹⁵ Again, there is one Editorial Management Committee that controls compensation for all Bloomberg Media reporters, editors, and producers – including those working in the U.K. and included in this U.K. report.

42. The Bloomberg Industry Group is a sister division to Bloomberg Media that also employs reporters, but does reporting for private clients rather than for publication. This group is led by Cesca Antonelli, who was previously part of senior leadership at Bloomberg News. Reporters in the Industry Group are unionized and represented by the Guild (Communication Workers of America). The Guild released a study of pay disparities based on 2018 data, showing a pay gap of approximately 6% between average pay for white men and white women, with the gender disparity doubling for African American and Latina women as compared to men of the same race/ethnicity.¹⁶ The Guild followed up with a study of 2020 data which reported that median women's salary was 9.5% lower than median men's salary.¹⁷

43. Given that employees subject to the Editorial Management Committee's decisionmaking in Washington and the U.K. both show approximately 20% pay disparities for women, and given that the Editorial Management Committee regularly bases starting pay on prior pay, in an industry with pay disparities averaging 10-15%, women employees in New York, like Ms. Ndugga, and throughout the United States who are all subject to the Editorial

¹⁵ Gender Pay Gap Serv., *Bloomberg LP 2020/21 Gender pay gap report*, GOV.UK, <https://gender-pay-gap.service.gov.uk/Employer/QOsIQ2Dy> (last visited Nov. 23, 2021).

¹⁶ Guild at Bloomberg Indus. Grp. (@GuildatBIG), Twitter (Feb. 20, 2020, 3:02 PM), <https://twitter.com/GuildatBIG/status/123058364864000001?s=20>; see also Anagha Srikanth, *Bloomberg says he pays all his employees equally. Here's what they say*, The Hill (Feb. 21, 2020), <https://thehill.com/changing-america/respect/equality/484117-bloomberg-said-he-pays-all-his-employees-equally-heres-what>

¹⁷ The Bloomberg INDG Guild, *Bloomberg Industry Group Pay Study* (Mar., 2021), <https://www.indgunion.com/pay-study>

Management Committee's decisionmaking are highly likely to be suffering an average 20% pay disparity as well. Moreover, similar workers (reporters) working in a sister division of BLP show a median 9.5% pay disparity for women, which further supports the conclusion that BLP Media employees are experiencing a pay disparity of *at least* 10%.

44. At mid-year and year-end, every Reporter, Producer, and Editor receives a rating on a five-point scale, where 1 is the best rating, and 5 is the worst rating. Team Leaders prepare draft evaluations for Reporters, Producers, and Editors, and those drafts are submitted to the Bureau Chief. Bureau Chiefs then forward these ratings to the Editorial Management Committee in New York. The Editorial Management Committee routinely directs Bureau Chiefs to change the individual ratings proposed by Team Leaders, and Bureau Chiefs pass on these instructions to the Team Leaders to carry out. The Editorial Management Committee does not merely seek to reduce the number of higher ratings, but itself dictates which employees should have their ratings reduced.

45. An HR Representative, Angela Wiley, disclosed to Plaintiff Ndugga in approximately February 2020 that Black women are paid less across the board and on average receive worse reviews than their peers, regardless of their performance.

46. Lower ratings are then used to deny or reduce bonus awards, pay increases, and promotions.

47. Pay raises may be considered during employee reviews, or when moving to a different position within the company. While employees may discuss pay raises or bonuses with their Team Leader, Bureau Chief, or Human Resources, the decisions on compensation, including pay raises and bonuses, are made by the Editorial Management Committee. Indeed, when former employee Ms. Syeed made a lateral move to a position with the Washington

Bureau, she discussed the compensation with HR who told her that the pay decision was coming from New York, indicating the Editorial Management Committee. The decision on whether Ms. Syeed would be reimbursed for her move from Dubai to D.C. was made personally by Reto Gregori of the Editorial Management Committee, which he denied.

CLASS ALLEGATIONS

48. Plaintiff Ndugga seeks certification of a class pursuant to Rule 23, Fed. R. Civ. P., comprised of all female Reporters, Producers, and Editors (as well as female employees doing functionally similar work under other titles), who were not Team Leaders or in other supervisory positions, who were, are, or will be subjected to Defendant's compensation systems at any time from January 18, 2020 through the date of trial, and who were based in a News Bureau located within the United States, or were US Citizens based in a News Bureau located outside the United States.

49. Plaintiff Ndugga seeks certification of a New York subclass pursuant to Rule 23, Fed. R. Civ. P., comprised of all female Reporters, Producers, and Editors (as well as female employees doing functionally similar work under other titles), who were not Team Leaders or in other supervisory positions, who were, are, or will be subjected to Defendant's compensation systems at any time from August 9, 2017 through the date of trial, and who resided or reside in the state of New York, or who work, or worked for Bloomberg Media within the State of New York, regardless of their residence.

50. Plaintiff reserves the right to revise the definition of the classes based upon information learned after the filing of this action.

51. Plaintiff brings these claims on behalf of herself and the proposed classes under Federal Rules of Civil Procedure 23(a), (b)(2) for her requests for declaratory and injunctive relief only, and (b)(3) for her requests for damages. The proposed classes satisfy the numerosity,

commonality, typicality, adequacy, predominance, and superiority requirements of those rules.

52. **Numerosity:** The proposed classes are so numerous that the joinder of all such persons is impracticable, and the disposition of their claims as a class will benefit the parties and the Court. Upon information and belief, approximately 1000 women would qualify as members of the proposed class, and approximately 300 women would qualify as members of the proposed New York subclass. Membership in the class is ascertainable from Defendant's HR records.

53. **Commonality:** Plaintiff and all members of the classes have been subjected to evaluation and compensation decisions using the unlawful practices alleged herein and, therefore, one or more questions of law or fact are common to the class. These common questions include, but are not limited to, the following:

- a. whether Defendant's Editorial Management Committee discriminated against female Reporters, Producers, and Editors in setting compensation;
- b. whether Defendant's common policies, including its reliance on prior salary in setting starting pay, have had an adverse impact on the class, and if so, whether such impact can be justified by business necessity;
- c. whether the class may obtain injunctive and other equitable remedies, as well as an award of damages.
- d. whether Defendant has acted with malice or reckless indifference to the protected rights of Plaintiffs and class members, such that punitive damages should be awarded.

54. **Typicality:** Plaintiff and members of the classes were subjected to the same unlawful policies, practices, and procedures and sustained similar losses, injuries, and damages. All class members were subjected to the same compensation practices by Defendant, as alleged herein, that resulted in their being paid less than similarly situated male Reporters, Producers, and Editors. All class members were subjected to the same evaluation practices by Defendant, as alleged herein, that contribute to disparities in compensation. Plaintiff's claims are therefore

typical of the claims that could be brought by any member of the class, and the relief sought is typical of the relief that could be sought by each member of the class in separate actions.

55. **Adequacy of Representation:** Plaintiff is able to fairly and adequately protect the interests of all members of the classes, as she is challenging the same practices as the class as a whole, and there are no known conflicts of interest between Plaintiff and the members of the class. Plaintiff has retained counsel who have extensive experience with the prosecution of discrimination claims and complex class-action litigation.

56. This action is properly maintainable as a class action under Rule 23(b)(2), Fed. R. Civ. P., because the party opposing the class has acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the class as a whole.

57. The class action is also properly maintainable pursuant to Rule 23(b)(3) because the questions of law and fact common to members of the class predominate over questions affecting only individual members and a class action is superior to other available methods for the fair and efficient resolution of this controversy.

58. Pursuit of this action as a class would provide the most efficient mechanism for adjudicating the claims of Plaintiffs and the members of the class.

NAMED PLAINTIFF NAULA NDUGGA'S ALLEGATIONS

59. Plaintiff Ndugga graduated in 2017 from Appalachian State University, where she double majored in Journalism and Political Science with a concentration in International and Comparative Politics. She received a minor in French and Francophone Studies.

60. Plaintiff Ndugga began working for Bloomberg L.P. in September 2017 as an intern. On January 29, 2018, she was hired as a News Producer and accepted a full-time offer of employment in Bloomberg L.P.'s Media Division, Quicktake department (formerly TicToc),

which remains her current position. Her duties included organizing live conversations on market moving news for Bloomberg's Terminal TOP Live Desk.

61. When Plaintiff Ndugga was hired in October 2017 as a paid intern, she earned \$25 per hour. Upon becoming hired as a full-time employee, she was paid an annual salary of \$65,000. However, male producers who were hired out of the same internship program as Ms. Ndugga were paid a starting salary of \$75,000 – a \$10,000 difference.

62. The following male team members received increased compensation for performing similar job duties: David Meyers, Will Shaker, Andrew Mach, Angelo Spagnolo, Brian Wall, Henry Seltzer, Alexander Gittleson, Andrew Barden, Baldwin Tang, Brandon Smith, James Bullock, John Jones, Kyle Rollins, Marc Daniel Davies, Matthew Albani, Owen Franks, Tim Stenovec and Ryan Cavataro.

63. Despite receiving positive feedback from her Manager, Andre Pierre du Plessis, Plaintiff Ndugga has repeatedly been overlooked for raises, promotions, favorable assignments, professional growth, and opportunities that were given to her male peers.

64. Plaintiff Ndugga received only small cost of living increases in her first three years, bringing her salary to approximately \$66,500 annually. In 2021, she finally received a merit raise, increasing her pay to approximately \$70,000 – still less than the 2018 *starting* salary of her male peers, and far below her male peers' contemporaneous pay.

65. In 2018, Ms. Ndugga was denied a bonus and only given half her bonus in 2019 despite receiving positive performance evaluations.

66. In 2019, Ms. Ndugga did not receive any raise in salary despite receiving positive feedback from her Manager, Mr. du Plessis, Senior Producer, a South African male who recommended her for a raise and bonus. However, the ultimate decisionmakers on the Editorial

Management Committee denied Ms. Ndugga equity in her compensation compared to her male peers.

67. In addition to compensation, Plaintiff Ndugga did not receive benefits made available to her male peers. For example, male employees were permitted to use certain technology at home for work assignments, but when Ms. Ndugga requested remote-work resources, they were not afforded to her. Her request to attend French and Arabic language classes to maintain her fluency in multiple languages was refused, even though such language skills could benefit Bloomberg Media, and the company supported other employees in such pursuits.

68. Plaintiff Ndugga reported these disparities in treatment to Human Resources, who merely defended management's decisions.

69. In the fall of 2019, Team Leaders, including Mindy Massucci, Head of Global Content and Andrew Barden, Executive Producer, assigned each of the reporters to cover thematic areas. Although her male peers were consulted about which topics they wanted to cover, Plaintiff Ndugga was not consulted. Instead, Ms. Ndugga was assigned to cover "scraps" – subjects no one else wanted, which were generally considered less desirable assignments that provided fewer opportunities for career advancement. Ms. Ndugga's differential treatment garnered the attention of several colleagues, who raised concerns about the assignments with Mindy Massucci, Head of Global Content at Bloomberg Quicktake. However, Ms. Ndugga continued to receive less favorable assignments than her male peers.

70. In February 2020, Plaintiff Ndugga was again denied a raise in salary. Her manager, Mr. du Plessis had given her positive feedback on her work and told her that he recommended that she receive a raise. When she learned that she would not receive a raise, Ms.

Ndugga asked for a reason from Ms. Massucci, who responded that Bloomberg L.P. could not afford raises for her news division. However, several of Ms. Ndugga's male peers informed her that they had received raises. One man who received a raise and promotion was Brian Wall, a producer who began his employment at the same time as Ms. Ndugga for the same position, with similar education, who was promoted to senior producer.

71. In March 2020, Plaintiff Ndugga discussed with Ms. Massucci her interest in promotion to fill a position specifically focusing on race and identity to guide the team. Other team members voiced their support for the creation of the position and suggested Ms. Ndugga be selected. Ms. Massucci responded that she would think about it. However, David Meyers, Executive Producer and Alexander Gittleson, Senior Producer reporting to Ms. Massucci on separate occasions expressed to Ms. Ndugga there was no point in creating that role and promoting her if she already filled that role by being a Black woman on the team. The position was not created.

72. Plaintiff Ndugga was also subjected to a hostile work environment based upon her sex and race. For example, two White senior team members, David Meyers, Executive Producer and Claire Obusan, Senior Editor would opine regularly on Black culture and issues, making pronouncements such as that Black people should not criticize Bruno Mars or asking Black team members whether it was appropriate for them to refer to February as Black history month. Ms. Ndugga and her female Black colleagues were particularly offended by their racially derogatory and insensitive comments.

73. For example, Ms. Ndugga noticed a news video produced by her team on marathons around the world which showed clips of actual marathons from various countries depicting coverage of images of White people in a positive light. However, the coverage of

Uganda depicted an image of a young White woman holding seemingly impoverished Black Ugandan children. Ms. Ndugga asked Mr. Meyers why that image was chosen, hoping to discuss the issue, but he instead got really angry and yelled at Ms. Ndugga, throwing his headphones in her direction, standing over her and demanding that she step outside the room and talk to him privately. Shocked by his aggression, Ms. Ndugga calmly responded that she was not feeling safe enough to have a conversation with him in his state. He kept pushing her to leave the room with him and eventually stormed out of the room. Two other peers, Marina Stanley and Andrew Mach, were in the room to witness this verbal altercation and corroborated her account. Ms. Ndugga left the room in fear of her male supervisor. However, when she reported this altercation to the Division Head, Ms. Massucci, Ms. Massucci refused to acknowledge any wrongdoing by Mr. Meyers.

74. The following morning after Mr. Meyers' explosion at Ms. Ndugga, he emailed her stating she could report him to HR and his manager if she felt so inclined. Mr. Meyers also conveyed a fabrication to his direct supervisor, Ms. Massucci, Ms. Obusan and Ms. Ndugga's peers that Ms. Ndugga had raised her voice, was aggressive towards him and depicted her as an "angry Black woman."

75. After this incident, Mr. Meyers ignored Ms. Ndugga, isolated her from meetings and left her off team emails resulting in other team members having to forward emails to Ms. Ndugga so she would be aware of information needed for her job. When Mr. Meyers did acknowledge her, it would be to berate her intelligence and worth as a Black female member of the team. She repeatedly complained to Ms. Massucci about the retaliation she experienced after reporting this incident with Mr. Meyers, but Ms. Massucci again refused to do anything to protect her.

76. On May 29, 2020, Plaintiff Ndugga was scheduled to host an on-camera interview with one of her sources to discuss the death of George Floyd. Ms. Ndugga had booked her guest speaker and had undergone the training required for the live interview. However, without explanation, Ms. Ndugga was denied this opportunity, and the interview was canceled. When she complained to Ms. Massucci about the denial of opportunity and explained that this had become a pattern of mistreatment, Ms. Massucci responded that she supported the decision by the male Executive Producer, Andrew Barden, that only “certain people” were qualified to conduct live interviews. However, Ms. Ndugga was aware that this was an untrue statement since other male producers had not undergone any training, yet were permitted to conduct live interviews. Ms. Ndugga also complained, along with her Black female colleagues, about the lack of coverage regarding George Floyd’s death. Despite their complaints, Executive Producer Mr. Barden declined to provide coverage on the topic because it made them “uncomfortable” to focus on the race issues.

77. In 2020, Bloomberg’s Editorial Management Committee repeatedly refused to cover racial topics – despite many being top news stories over the year– saying they didn’t want to “become the race channel.” Nonetheless, Ms. Ndugga was asked many times by the Global Head, Ms. Massucci, who reported directly to the all-White male Editorial Management Committee, to recount her own trauma, as a Black female to “help guide the team,” only to be trivialized and mislabeled. Indeed, the term “colored” has been used to refer to Black people in news scripts, even after review by Executive and Senior Editors and Ms. Ndugga’s repeated warning that such usage is inappropriate and offensive.

78. On July 14, 2020, Ms. Ndugga’s team had a conference call with the Editorial Management Committee, Mr. Micklethwait and Mr. Schenker, about coverage topics. Ms.

Ndugga asked them about Bloomberg L.P.'s efforts to diversify coverage and brought up the internal pay gap and holding managers responsible for discriminatory acts. Mr. Micklethwait denied the pay gap existed and dismissed her by talking over her and changing the subject.

79. On November 13, 2020, since Bloomberg had not responded to Ms. Nudgga's internal complaints, she filed a charge of discrimination with the EEOC complaining of systemic pay disparities adverse to women, as well as a hostile environment, with pay and promotion disparities, based on both race and sex.

80. A year after Plaintiff filed her first EEOC charge, Bloomberg's Editorial Management Committee has still not provided equal pay to Ms. Ndugga or her similarly situated coworkers. Despite Ms. Ndugga's suggestions, Defendant has refused to conduct a pay equity analysis to begin to rectify the pay imbalance based on gender and/or race.

CAUSES OF ACTION

COUNT ONE

Violation of Title VII, 42 U.S.C. § 2000e, *et seq.* (Disparate Treatment on behalf of class)

81. Plaintiff realleges and incorporates by reference the allegations contained in paragraphs 1 through 79.

82. This claim is brought by Plaintiff on behalf of the proposed class.

83. The foregoing conduct violates Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.*, and constitutes a continuing violation of that Act. Defendant has engaged in a pattern or practice of intentional discrimination against its female Reporters, Producers, and Editors in evaluations, and compensation.

84. The evaluation and compensation decisions were made by a small group of decisionmakers, the Editorial Management Committee.

85. Defendant's discriminatory practices described above have denied members of the class compensation to which they are entitled, which has resulted in the loss of past and future wages and other job benefits.

86. The conduct described above caused the members of the class emotional harm and other forms of harm proximately caused by Defendant's discriminatory conduct.

87. Defendant acted or failed to act as herein alleged with malice or reckless indifference to the protected rights of Plaintiff and class members. Plaintiff and class members are thus entitled to recover punitive damages in an amount to be determined according to proof.

88. The Plaintiff class requests relief as provided in the Prayer for Relief below.

COUNT TWO
Violation of Title VII, 42 U.S.C. § 2000e, *et seq.*
(Disparate Impact on behalf of class)

89. Plaintiff realleges and incorporates by reference the allegations contained in paragraphs 1 through 79.

90. This claim is brought by Plaintiff on behalf of the proposed class.

91. The conduct described above violates Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.*, and constitutes a continuing violation of that Act.

92. Defendant has maintained a system for evaluating and compensating Reporters, Producers, and Editors that has had an adverse impact on the class. A small group of decisionmakers, the Editorial Management Committee, working closely together, and steeped in a common culture, exercise discretion over evaluations and compensation. Further, Defendant bases starting salary on the salary received by new hires at their prior jobs.

93. Defendant has failed to create or maintain the data that would allow analysis of the impact of each of these policies and practices separately. For example, the prior pay and any other factors considered in setting starting pay are not maintained in HR data, which reflects only

the actual starting pay rate. Accordingly, the entire decision-making process for the challenged decisions may be analyzed as one employment practice. 42 U.S.C. § 2000e-2(k)(1)(B)(i).

94. The reliance on prior pay to establish salary is not job related or consistent with business necessity. Permitting the Editorial Management Committee to alter the evaluation ratings of class members is not job related or consistent with business necessity, as the Editorial Management Committee is not familiar with the performance of the employees whose ratings they direct be changed. Vesting the Editorial Management Committee with unfettered discretion to make compensation decisions is not job related or consistent with business necessity. There are less discriminatory alternatives which would address Defendant's business needs more effectively than its current practices.

95. Defendant's discriminatory practices described above have denied the class members compensation to which they are entitled, which has resulted in the loss of past and future wages and other job benefits.

96. The Plaintiff class requests relief as provided in the Prayer for Relief below.

COUNT THREE
Violation of New York Human Rights Law
(Disparate Treatment on behalf of New York subclass)

97. Plaintiff realleges and incorporates by reference the allegations contained in paragraphs 1 through 79.

98. This claim is brought by Plaintiff on behalf of the proposed New York subclass.

99. The foregoing conduct violates the New York Human Rights Law, N.Y. Exec. Law §§ 290-301 (Consol. 2020). Defendant has engaged in a pattern or practice of intentional discrimination against its female Reporters, Producers, and Editors in evaluations and compensation.

100. The evaluation and compensation decisions were made by a small group of decisionmakers, the Editorial Management Committee.

101. Defendant's discriminatory practices described above have denied members of the class compensation to which they are entitled, which has resulted in the loss of past and future wages and other job benefits.

102. The conduct described above caused the members of the class emotional harm and other forms of harm proximately caused by Defendant's discriminatory conduct.

103. Defendant acted or failed to act as herein alleged with malice or reckless indifference to the protected rights of Plaintiff and class members. Plaintiff and class members are thus entitled to recover punitive damages in an amount to be determined according to proof.

104. The Plaintiff class requests relief as provided in the Prayer for Relief below.

COUNT FOUR
Violation of New York Human Rights Law
(Disparate Impact on behalf of New York subclass)

105. Plaintiff realleges and incorporates by reference the allegations contained in paragraphs 1 through 77.

106. This claim is brought by Plaintiff on behalf of the proposed New York subclass.

107. The conduct described above violates the New York Human Rights Law, N.Y. Exec. §§ 290-301.

108. Defendant has maintained a system for evaluating and compensating Reporters, Producers, and Editors that has had an adverse impact on the class. A small group of decisionmakers, the Editorial Management Committee, working closely together, and steeped in a common culture, exercise discretion over evaluations and compensation. Further, Defendant bases starting salary on the salary received by new hires at their prior jobs.

109. Defendant has failed to create or maintain the data that would allow analysis of the impact of each of these policies and practices separately. For example, the prior pay and any other factors considered in setting starting pay are not maintained in HR data, which reflects only the actual starting pay rate. Accordingly, the entire decision-making process for the challenged decisions may be analyzed as one employment practice. 42 U.S.C. § 2000e-2(k)(1)(B)(i).

110. The reliance on prior pay to establish salary is not job related or consistent with business necessity. Permitting the Editorial Management Committee to alter the evaluation ratings of class members is not job related or consistent with business necessity, as the Editorial Management Committee is not familiar with the performance of the employees whose ratings they direct be changed. Vesting the Editorial Management Committee with unfettered discretion to make compensation decisions is not job related or consistent with business necessity. There are less discriminatory alternatives which would address Defendant's business needs more effectively than its current practices.

111. Defendant's discriminatory practices described above have denied the class members compensation to which they are entitled, which has resulted in the loss of past and future wages and other job benefits.

112. The Plaintiff class requests relief as provided in the Prayer for Relief below.

COUNT FIVE
Violation of New York Human Rights Law
(Disparate Treatment)
Brought by Plaintiff Naula Ndugga on behalf of herself

113. Plaintiff Ndugga repeats and realleges the allegations contained in paragraphs 1 through 79.

114. This claim is brought by Plaintiff Ndugga on behalf of herself only.

115. The foregoing conduct violates the New York Human Rights Law, N.Y. Exec. §§ 290-301.

116. Defendant discriminated against Plaintiff Ndugga on the basis of race and on the basis of sex in denying her equal compensation and creating a hostile work environment.

117. As a result of Defendant's discriminatory actions, Plaintiff Ndugga has suffered damages, including both economic losses and emotional distress, and each seeks relief as set forth in the Prayer for Relief.

COUNT SIX
Violation of New York City Human Rights Law
(Disparate Treatment)
Brought by Plaintiff Naula Ndugga on behalf of herself

118. Plaintiff Ndugga repeats and realleges the allegations contained in paragraphs 1 through 79.

119. This claim is brought by Plaintiff Ndugga on behalf of herself only.

120. The foregoing conduct violates the New York City Human Rights Law, N.Y.C. Admin. Code § 8-107, *et seq.*

121. Defendant discriminated against Plaintiff Ndugga on the basis of race and on the basis of sex in setting her compensation and creating a hostile work environment.

122. As a result of Defendant's discriminatory actions, Plaintiff Ndugga has suffered damages, including both economic losses and emotional distress, and each seeks relief as set forth in the Prayer for Relief.

COUNT SEVEN
Retaliation Claim
Brought by Naula Ndugga on behalf of herself

123. Plaintiff Naula Ndugga repeats and realleges the allegations contained in paragraphs 1 through 79.

124. Plaintiff Ndugga opposed unlawful employment practices by objecting to sex discrimination and race discrimination with respect to her pay, her assignments, other terms and conditions of her employment, and the hostile manner in which certain supervisors spoke to and treated her. She brought her complaints to human resources, her managers, and to the Editor-in-Chief of Bloomberg Media. She filed charges with the EEOC. Such activities are protected under § 704(a) of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-3. Such activities were known to her management at Bloomberg.

125. Following such actions, Ms. Ndugga faced harassing actions and exclusionary tactics such as refusing to speak with her or give her feedback, ignoring her during team meetings, excluding her from team emails that she needed to see to perform her job, denying her the opportunity to do a live interview, denying her other training, support or opportunities for advancement, and paying her less than her peers. These actions constitute retaliation in violation of § 704(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-3.

126. Supervisors were acting within the scope of their employment when they retaliated against Ms. Ndugga.

127. Defendant had actual and constructive knowledge of the retaliation perpetrated against Plaintiff Ndugga and refused to take remedial action of any kind.

128. Defendant's retaliatory practices described above have caused Plaintiff Ndugga harm, including emotional distress and loss of pay.

129. Accordingly, Defendant violated Plaintiff's rights protected by § 704(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-3.

COUNT EIGHT
Retaliation Claim
Brought by Naula Ndugga on behalf of herself

130. Plaintiff Naula Ndugga repeats and realleges the allegations contained in

paragraphs 1 through 79.

131. Plaintiff Ndugga opposed unlawful employment practices by objecting to sex discrimination and race discrimination with respect to her pay, her assignments, other terms and conditions of her employment, and the hostile manner in which certain supervisors spoke to and treated her. She brought her complaints to human resources, her managers, and to the Editor-in-Chief of Bloomberg Media. She filed charges with the EEOC. Such activities are protected under the New York Human Rights Law, N.Y. Exec. §§ 290-301 and Title 8 of the Administrative Code of the City of New York § 8-107 *et seq.* Such activities were known to her management at Bloomberg.

132. Following such actions, Ms. Ndugga faced harassing actions such as refusing to speak with her, excluding her from team emails that she needed to see, denying her the opportunity to do a live interview, denying her other opportunities for advancement, and paying her less than her peers. These actions constitute retaliation in violation of the New York Human Rights Law, N.Y. Executive Law § 290-301 and Title 8 of the Administrative Code of the City of New York § 8-171 *et seq.*

133. Supervisors were acting within the scope of their employment when they retaliated against Ms. Ndugga.

134. Defendant had actual and constructive knowledge of the retaliation perpetrated against Plaintiff Ndugga and refused to take remedial action of any kind.

135. Defendant's retaliatory practices described above have caused Plaintiff Ndugga harm, including emotional distress and loss of pay.

136. Accordingly, Defendant violated Plaintiff's rights protected by New York Human Rights Law, N.Y. Executive Law § 290-301 and Title 8 of the Administrative Code of the City

of New York § 8-171 *et seq.*

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request the following relief:

137. Certify the proposed class and subclass, with Plaintiff as class representative, and The Clancy Law Firm, P.C. and Cohen Milstein Sellers & Toll PLLC as class counsel;

138. Enter a declaratory judgment that the practices complained of in the First and Second Causes of Action are unlawful and violate Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e, *et seq.*, and that the practices complained of in the Third and Fourth Causes of Action are unlawful and violate the New York Human Rights Law;

139. Enter a permanent injunction prohibiting Defendant, its officers, agents, employees and successors, from engaging in the discriminatory employment practices complained of herein in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000(e), *et seq.*, as amended and the New York Human Rights Law, N.Y. Exec. §§ 290-301;

140. Enter a permanent mandatory injunction requiring Defendant adopt employment practices in conformity with the requirements of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.*, and the New York Human Rights Law;

141. An award of all damages that Plaintiff and the plaintiff classes have sustained as a result of Defendant's conduct, including back pay, front pay, general and special damages for lost compensation and job benefits that they would have received but for the discriminatory practices of Defendant;

142. An award of compensatory damages for emotional distress that Plaintiff and the plaintiff classes have sustained;

143. Exemplary and punitive damages in an amount commensurate with Bloomberg's ability to pay and to deter future conduct.

144. Costs incurred, including reasonable attorneys' fees, to the extent allowable by law;

145. Pre-Judgment and Post-Judgment interest, as provided by law; and

146. Such other and further legal and equitable relief as this Court deems necessary, just and proper.

As to Plaintiff Ndugga's individual claims:

147. An award of all damages that Plaintiff Ndugga has sustained as a result of the Defendant's conduct, including back pay, front pay, general and special damages for lost compensation and job benefits that each would have received but for the discriminatory practices of Defendant.

148. An award of compensatory and punitive damages and injunctive relief, appropriate to the proof at trial;

149. Costs incurred, including reasonable attorneys' fees, to the extent allowable by law;

150. Pre-Judgment and Post-Judgment interest, as provided by law; and

151. Such other and further legal and equitable relief as this Court deems necessary, just and proper.

JURY DEMAND

152. Plaintiffs hereby demand a trial on the merits by jury pursuant to Federal Rule of Civil Procedure 38.

Dated: December 10, 2021

Respectfully submitted,

/s/Christine E. Webber

Christine E. Webber (*pro hac vice*)

Stacy N. Cammarano (*motion for admission
forthcoming*)

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*Attorneys for Plaintiff Naula Ndugga and
other similarly situated women*

CERTIFICATE OF SERVICE

I hereby certify that on December 10, 2021, I electronically filed the *Third Amended Complaint* with the Clerk of the Court using the ECF, who in turn sent notice to the following:

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Dated: December 1, 2021

/s/ Christine E. Webber
Christine E. Webber