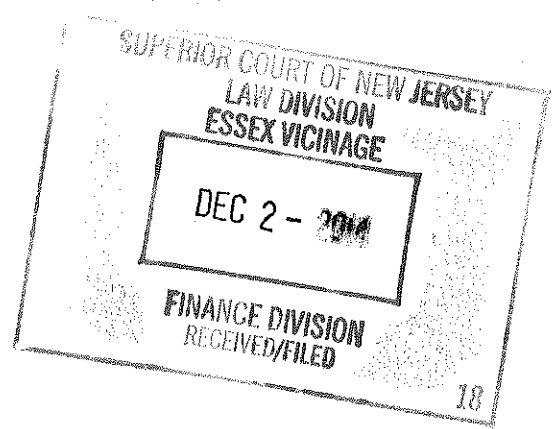


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Attorneys for Plaintiffs



-----X
GLORINA WILLIAMS CRUZ, : SUPERIOR COURT OF NEW JERSEY
MARILYN ("PENNY") JOSEPH, and : LAW DIVISION: ESSEX COUNTY
SANDRA KARRIEM, on behalf of : DOCKET NO.: L-2323-13
themselves and others similarly situated, :
:
Plaintiffs, :
:
v. : Civil Action
:
PANASONIC CORPORATION OF :
NORTH AMERICA ("PNA"), :
:
Defendants. : **FIFTH AMENDED COMPLAINT**
: **AND JURY DEMAND**
-----X

Plaintiffs, Glorina Williams Cruz ("Cruz"), residing at 6 Meadowlark Drive, in the Township of Plainsboro, County of Middlesex, State of New Jersey; Marilyn "Penny" Joseph ("Joseph"), residing at Parkway Lofts, 5 Lawrence Street, Apt. 720, in the Township of Bloomfield, County of Essex, State of New Jersey; and Sandra Karriem ("Karriem"), residing at 635 Longview Road, in the Township of South Orange, County of Essex, State of New Jersey, say:

PARTIES

1. During all times relevant to this Complaint, Plaintiffs were and continue to be employees of Defendant Panasonic Corporation of North America (hereinafter, "PNA") as the term "employee" is defined by the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq. ("LAD").

2. Defendant PNA is a corporation which does business in the State of New Jersey and does extensive business in Essex County, New Jersey.

3. PNA maintains offices located at Two Riverfront Plaza, Newark, New Jersey.

4. During all times relevant to this Complaint, Defendant PNA was an "employer" as defined by the LAD.

5. Defendant Panasonic Corporation of North America is a wholly-owned subsidiary of Panasonic Corporation (hereinafter referred to as, "Corporation" or "PC"), a Japanese corporation.

VENUE

6. Pursuant to Rule 4:3-2(b), venue is proper in Essex County because Defendant actually conducts business in Essex County.

BACKGROUND - COMMON TO ALL COUNTS

7. In 2012, Panasonic Corporation, the parent corporation of PNA, had consolidated group sales of \$83,954,845,000. Panasonic Corporation (formerly Matsushita Electric Industrial Co., Ltd.) is one of the largest electronic product manufacturers in the world and is comprised of over 634 companies. PC manufactures and markets a wide range of products under the Panasonic brand.

8. The parent corporation employs over 300,000 people.

9. Panasonic Corporation of North America ("PNA"), currently based in Secaucus, but soon to be based in Newark, New Jersey, is the principal North American subsidiary of the Osaka, Japan-based Panasonic Corporation and the hub of its branding, marketing, sales, service, product development and R&D operations in the U.S. and Canada.

10. The Chief Executive of the parent corporation and every single Senior Executive of the parent corporation is male. No Senior Executive in the entire Panasonic group of companies is African-American.

11. PNA maintains a management hierarchy that includes: "Senior Executives" starting with the Vice President level and above. "Executives" include the Director level and above. There are only thirteen (13) women out of 119 Executives in PNA; three of them are Plaintiffs herein.

12. There are only three African-Americans on the entire Executive team of PNA; the three Plaintiffs herein.

13. The Executive Officers of the parent corporation include the following: 1 Senior Managing Executive Officer, who is a male; 9 Managing Executive Officers, all are male; 21 Executive Officers, only one is female and none are African-American.

14. On or about October 19, 2012, Plaintiffs, through their attorney, put PNA on notice that they were victims of race and sex discrimination, harassment and retaliation.

15. PC never named a female board member in its 95-year history until February of 2013, after Plaintiffs asserted their claims. No African-American has ever served on the Board in the history of the company.

16. Joseph M. Taylor ("Taylor"), a white male, is the Chair and CEO of Panasonic Corporation of North America (PNA) since April 1, 2010. He also serves as Regional Head for North America and Executive Officer of Panasonic Corporation, the parent company.

17. Prior to his appointment as Chair and CEO from on or about April 1, 2007 to April 1, 2010, Taylor served as Chief Operating Officer and Executive Vice President of Panasonic Corporation of North America.

18. As described more fully herein, Defendant has engaged in a continuing pattern and practice of disparate treatment, discrimination and retaliation against (non-Asian) minority and female employees, including but not limited to:

- wage discrimination;
- discriminatory decision making relating to promotions, transfers, and career growth;
- creating discriminatory barriers in recruitment and hiring;
- discriminatory access to management trainee programs and mentoring;
- exclusion from traditionally male dominated fields of work; and
- manipulation of the EEO process and diversity development in order to prevent non-Asian minorities and women from real career growth and management participation.

19. As set forth herein, Defendant's work environment was and currently is characterized by retaliation against any employee who complains about, resists, and/or otherwise opposes its discriminatory conduct. Defendant through its authorized upper level management, including but not limited to, Joseph Taylor ("Taylor"), Steve Safier ("Safier"), and "Megan" Myung-won Lee ("Lee"), have utilized the human resources process, the EEO function, budgetary reductions, unfair criticism, and their supervisory positions to: discriminate, punish,

harass, marginalize, and demoralize Plaintiffs and others similarly situated when they complained about discrimination and the retaliatory practices of Defendant.

20. Plaintiffs and other employees at PNA know that the human resource system was and is compromised and that Defendant manipulates the system to favor "the good old boys network" rather than engaging in a transparent selection process for employment opportunities that is inclusive of (non-Asian) minority and female employees.

21. Plaintiffs and other similarly-situated employees were and are "pigeon holed" into positions that do not permit upward mobility, significant pay increases, and career path advancement.

22. Even when Plaintiffs and others similarly-situated were identified in succession plans for promotion, Defendant violated its own policies and past practice in order to select white males for Senior Executive positions.

23. Defendant negligently, recklessly and/or intentionally (a) failed to properly train its employees regarding compliance with anti-harassment, anti-discrimination and anti-retaliation policies; (b) failed to properly supervise its employees to ensure compliance with anti-harassment, anti-discrimination and anti-retaliation policies; (c) failed to make an unequivocal commitment from the top of the organization to anti-harassment, anti-discrimination and anti-retaliation policies as not just mere words; and (d) failed to protect Plaintiffs and others similarly situated from abuse, harassment, discrimination and retaliation in the workplace.

COUNT ONE

(Allegations by Glorina Williams Cruz)

24. Plaintiffs repeat the previous allegations as set forth at length herein.

25. Plaintiff Cruz is an African-American female with notable formal education and business experience. In 1988, she earned a Bachelor of Science Degree in Business Administration, from Seton Hall University. She also graduated from Seton Hall University School of Law in 1993.

26. Prior to her employment with Defendant, she was a practicing attorney for an Essex County Law firm, a solo practitioner, and a clerk for a Superior Court judge.

27. Plaintiff Cruz was hired by Defendant Panasonic in or about May of 1989 as an Equal Employment Opportunity and Affirmative Action Specialist. By 1998, Plaintiff Cruz was promoted to EEO Manager by Morris Washington, the first and only one of two African-American males to ever hold an Executive position in PNA. Mr. Washington left PNA in 2001; the only other African-American male executive who was hired thereafter was terminated by Defendant in March 2006.

28. In 2000, Plaintiff Cruz was promoted to Assistant General Manager, EEO and Diversity, a first-level Executive position at the time.

29. In 2001, Plaintiff Cruz was promoted to General Manager/Director of EEO after Morris Washington left PNA.

30. From 2002 until 2005, Plaintiff Cruz developed many programs in order to promote diversity and inclusion at PNA.

31. In 2005, "Megan" Myung-Won Lee became Vice President of Human Resources for PNA and therefore Plaintiff Cruz' immediate supervisor. Ms. Lee began working for PNA as a secretary.

32. Because Plaintiff Cruz had much more experience in Human Resources than her boss, Lee, Plaintiff Cruz took on much of the leadership in the Human Resources Department.

33. One of Lee's first decisions as Vice President of Human Resources was to conduct a "one person reduction in force" that resulted in the termination of an African-American male Human Resources Director.

34. From 2007 to 2009, Cruz was the Human Resources Business Partner responsible for implementing corporate human resource strategies, including employee relations, performance management, and compensation administration for the northeastern region Research and Development group.

35. In 2008, Plaintiff Cruz received the prestigious Chairman's Award from the then CEO of PNA. She is the only female to ever receive this Award.

36. In 2008, while Lee was on a leave of absence, and at many other times while Lee was traveling or working on projects, Plaintiff Cruz ran the Human Resources Department. She took on additional roles in strategy development and leadership that led to additional responsibility as described *infra*.

37. In 2009, Cruz was given the role of project leader for Human Capital Innovations including developing the Human Resources Business Plan. In response to this assignment, Plaintiff Cruz developed the Human Capital Innovation Structure which enabled HR leaders to become more strategic while promoting a work culture of innovation throughout PNA and

providing development opportunities for every employee within Human Resources. This was an extremely successful project developed by and under the leadership of Plaintiff Cruz. The program included designing and implementing high level HR strategic projects inclusive of Human Capital analytics and metrics reporting.

38. During this time, Cruz's title was Director of EEO and Inclusion, a direct report to Lee, the Vice President of Human Resources.

39. Plaintiff Cruz was placed on the PNA succession plan called the "High Potential List" as the sole replacement for the position of Vice President of Human Resources.

40. Lee told Cruz she was the strongest member of the Human Resources team and that she (Lee) nominated her (Cruz) for the Panasonic Global Executive Development Program ("PGE"), an executive leadership training program.

41. Plaintiff Cruz subsequently participated in and excelled in the PGE.

42. Plaintiff Cruz, now identified as a "High Potential" employee, was groomed for promotion to the position of Vice President of Human Resources.

43. Lee repeatedly told Cruz that she would be Lee's successor.

44. Notably, Cruz was the only African-American and one of only two female executives of the 23 candidates identified on the High Potential List/Succession Plan.

45. In or about 2009, Plaintiff Cruz responded to a sexual harassment complaint that included serious allegations against a male executive. Because of the seriousness of the complaint and because this was a second harassment complaint against this male executive, Plaintiff Cruz advocated that the harasser be terminated. Then PNA CEO Yoshi Yamada and Division President Shiro Kitajima, however, decided to accept the "business risk" of a sexual

harassment lawsuit and keep the harasser employed with virtually no negative consequences for his illegal behavior.

46. Plaintiff Cruz was extremely upset about this decision from both an ethical point of view and out of concern for other female employees who could easily be harassed by this same employee. Since this was the second complaint involving this executive, Plaintiff Cruz subsequently reported her concerns to Taylor, then Chief Operating Officer and Executive Vice President of PNA.

47. During a conversation, Taylor promised Plaintiff Cruz that the harasser would receive a significant demotion. That was untrue; the harasser did not receive a significant demotion.

48. Cruz advised Taylor and Vice President of Human Resources Lee that in her position as EEO Officer she could not adopt their position and lack of discipline against the offending male executive. She further related that she was planning on writing to the Chairman of the parent company concerning this issue.

49. Taylor and Lee requested Cruz meet them at Barelli's Restaurant in Secaucus in order to discuss the email that Cruz had planned to send to the Chairman of PC. During this meeting, Taylor told Cruz that if she sent the email this would be the last drink she had "on the company," thus, threatening her with termination.

50. After this meeting, Cruz was advised by Lee that any future issues with EEO and workplace harassment should be treated like any other "business risk," thereby establishing a policy that PNA ignore the legal requirement that it must provide a harassment and discrimination-free workplace.

51. In April of 2010, Joe Taylor was promoted to CEO and Chairman of PNA.

52. In or about June of 2010, Lee asked Plaintiff Cruz to assume responsibility for the Compensation Department. Lee expected Cruz to take on this large additional responsibility without any additional pay. However, PNA non-minorities and males received significant increases for taking on additional responsibilities. Plaintiff Cruz complained about this disparate treatment.

53. Plaintiff Cruz subsequently complained to the Legal Department about wage discrimination. After Cruz proved her case, she received an additional increase. During this interaction, Plaintiff Cruz supplied detailed data exposing the disparity between wage increases of white males and their (non-Asian) minority and female counterparts.

54. In or about December 2011, Plaintiff Cruz again complained to Lee that women were not being given leadership positions at PNA. Asian men and white men were being promoted while other minorities and women were being left out. Plaintiff Cruz presented a chart to Lee showing that women were not adequately represented in upper level management.

55. The chart Plaintiff Cruz presented contained the following information that exposed disparate treatment and discrimination at PNA. The chart covered the time period of April 2010 through December 2011:

- (a) Of the thirteen promotions at the executive level, there was only one promotion of a female: Lee, an Asian female;
- (b) Of the sixteen new hires at the executive level, only two were female;
- (c) There were only two African-American women at the executive level out of approximately 100 (two of the three Plaintiffs); and

(d) There were twelve women in total at the executive level at PNA out of approximately 100 positions at the executive level and above.

56. After Plaintiff Cruz complained about discrimination against women and minorities in general, and complained about her own disparate pay, Lee retaliated by downgrading Plaintiff Cruz's performance rating.

57. Lee stated that Plaintiff Cruz did not recognize "shades of grey" and was too focused on "compliance." Lee stated that Plaintiff Cruz did not always "listen to [her] boss."

58. In July 2012, Lee was promoted to Managing Director and Head of Global HR Strategy at PC. Throughout PNA, men who are slotted in the succession plan automatically assume the position for which they are named as the successor.

59. Plaintiff Cruz was listed on the succession plan as the next Vice President of Human Resources. While external candidates are not even considered when white or Asian men from within PNA can fill open positions, Taylor sought an external candidate for the position vacated by Lee.

60. From April 1, 2010 to December 21, 2011, at least thirteen (13) executives were promoted into the first and second Executive tiers (E1-E2). None of them were external candidates and all were white males. One Asian female, Megan Lee, was given a position level increase to an E3 position grade. In addition, Joe Taylor, a white male, was given a position grade change and a salary increase.

61. Prior to departing for her new position in Japan, Lee met with Cruz and told her to ignore her strong sense of fairness and be more flexible regarding compliance issues. Lee's

"parting advice" further disclosed that Taylor did not like "dealing with the other two female senior executives" and that he liked working with Lee because "she never asked him for anything."

62. Subsequently, Defendant engaged in a sham selection process for Lee's replacement.

63. On or about September 12th, PNA advised Plaintiff Cruz that the position for which she was selected as "the successor," the position formerly held by Lee, was instead going to Steve Safier ("Safier"), a white male less qualified than Plaintiff Cruz.

64. After Safier's appointment, Plaintiff Cruz discovered PNA changed the title and responsibility listing for the Vice President of Human Resources position to Chief Transformation and Human Resources Officer.

65. Plaintiff Cruz now reports to Safier.

66. After Plaintiff Cruz complained of discrimination and retaliation in October 2012, Defendant removed her as the company's EEO officer.

67. In further retaliation for complaints of discrimination and retaliation, and in furtherance of a continuing pattern and practice of retaliation, on April 24, 2014, Steve Safier gave plaintiff Cruz a poor performance evaluation which ignored her accomplishments and falsely portrayed her work. Safier gave plaintiff Cruz the worst performance rating of her entire career and the lowest rating of all employees within PNA's Human Resources organization. This poor evaluation resulted in plaintiff Cruz receiving a lower bonus than that to which she was entitled. Safier also subjected plaintiff Cruz to a deliberately humiliating performance review meeting during which he berated her in front of another employee whose job title is below

plaintiff's and who was hired by defendant only after plaintiff Cruz complained to the Legal Department that she was receiving pressure from Ms. Lee to hire a person who was younger than he.

68. Safier regularly subjects plaintiff Cruz to unfair scrutiny and unjust criticism because of her complaints of discrimination and retaliation. Safier micro-manages plaintiff Cruz and undermines her authority, thereby damaging her reputation and interfering with her job performance and career path. In meetings attended by employees of defendant, Safier ignores plaintiff Cruz's contributions and unfairly singles plaintiff out for interrogation and embarrassment.

69. On October 29, 2014, defendant terminated Plaintiff Cruz in retaliation for her complaints of discrimination and in retaliation for her seeking legal advice and for prosecuting her case in court.

70. Defendant's actions against Plaintiff Cruz constitute harassment, retaliation, and discrimination in violation of the LAD.

71. Plaintiff Cruz witnessed discrimination, harassment, and retaliation against African-Americans and women at Panasonic.

72. As a result of Defendant's actions, Plaintiff Cruz has suffered and continues to suffer severe mental anguish, humiliation, pain, distress, physical injury and exacerbation of existing physical conditions, reputational damage, damage to her career path, and loss of earning and other employment benefits.

COUNT TWO

(Allegations by Sandra Karriem)

73. Plaintiffs repeat the previous allegations as set forth at length herein.

74. Plaintiff Sandra Karriem is an African-American woman hired by PNA on or about September of 1999 as an independent contractor in the legal department. During Plaintiff Karriem's thirty years as a corporate attorney, she has acquired a broad array of legal skills including expertise in the areas of bankruptcy, real estate and secured transactions.

75. Plaintiff Karriem is a graduate of Princeton University, *magna cum laude*. She earned her *Juris Doctor* from Columbia University School of Law.

76. In November of 1999, Plaintiff Karriem's position transitioned from independent contractor to a full time position as Senior Corporate Attorney.

77. Defendant employs ten attorneys in the Office of General Counsel. Of the ten, only one is a woman: Plaintiff Karriem. Only one of the ten is African-American: Plaintiff Karriem.

78. Since her employment with PNA began, Karriem has been the victim of, and witnessed against other female and African-American employees, a continuing pattern and practice of discrimination, harassment, and retaliation.

79. Plaintiff Karriem continually asked about and sought advancement opportunities within the company. Her inquiries were repeatedly ignored. Plaintiff Karriem was repeatedly told by General Counsel that his office was a "flat organization" and that there was no opportunity for advancement with the increased financial rewards such advancement provides. That proved to be untrue.

80. Plaintiff Karriem also complained about wage disparity and discrimination within Defendant's Office of General Counsel.

81. As part of Defendant's continuing pattern and practice of discrimination against African-Americans and women, Defendant engaged in wage discrimination. For example, at times relevant to this complaint, Defendant paid white male employees with equal or less experience, seniority, and/or job performance more than Plaintiff Karriem.

82. Plaintiff Karriem received favorable reviews and is known to have "highly satisfied clients." Within her area of expertise, she serves all of Defendant's companies.

83. Regardless of Plaintiff Karriem's proven ability and performance successes, Defendant paid Plaintiff Karriem less than white males with equal or less experience and an equal or less extensive workload.

84. By way of example and without limitation:

- (a) William Hedden, a white male, was hired as a Senior Corporate Attorney in February of 2003. In April of 2008, he was promoted to Assistant General Counsel after just five years of employment with PNA; and
- (b) Robert Nowicki, a white male hired in or about February of 1997 as Senior Corporate Attorney, was promoted to Assistant General Counsel in 2003 after only six years of employment with PNA.

85. Panasonic's Legal Department has engaged in a pattern and practice of using title changes as a pretext to pay white men more than women and non-Asian minorities.

86. Men are given title changes that do not result in any changes in job duties, reporting relationships, number of subordinates, increased responsibilities, budget authority, or any other indicia of real promotion.

87. White men and Asian employees are afforded job titles that appear to promote them solely for the purpose of continuing Panasonic's pattern and practice of wage discrimination on account of race and sex.

88. Plaintiff Karriem received no such opportunities until she complained.

89. In or about April 2011, Plaintiff Karriem again complained about wage disparity and discrimination to Corporate General Counsel, to Human Resources, and to EEO. She was told that the white men were given the title changes because they had taken on "special projects." Karriem pointed out that she too had taken on "special projects." Significantly, Plaintiff Karriem was in charge of the legal work related to the Defendant's move to their new headquarters in Newark, New Jersey, a major "project."

90. One year after Plaintiff Karriem complained of discrimination and provided evidence of her accomplishments, she was given the title of Assistant General Counsel, after 13 years at PNA. Such title change resulted in a raise, but the delay in giving Plaintiff Karriem a raise resulted in her still being paid less than comparable white males.

91. Plaintiff Karriem has witnessed a pattern and practice of discrimination against African-Americans and women. It became obvious that Defendant consistently chooses to increase wages and provide prestigious titles to white males.

92. In the Legal Department specifically, white males are given title changes that result in higher wages without: (1) any increase or changes in job duties, (2) any change in

reporting relationships; (3) any increase in the number of subordinates; (4) any increased responsibilities; (5) any increase in budget authority; or (6) any other indicia of real promotion. Simultaneously, women and non-Asian minorities are continually marginalized.

93. In March of 2010, when the legal department downsized, the only lawyer terminated was the sole African-American male in the department.

94. In further retaliation for complaints of discrimination and retaliation, and in furtherance of a continuing pattern and practice of retaliation, on or about May 14, 2014, Marin gave plaintiff Karriem a poor performance evaluation which did not fairly reflect her work. This poor evaluation resulted in plaintiff Karriem receiving a lower bonus than that to which she was entitled based upon her actual job performance. Plaintiff Karriem also received a lower salary increase as a result of the unfair and retaliatory performance review.

95. Defendant's actions against Plaintiff Karriem constitute harassment, retaliation, discrimination and wage discrimination in violation of the LAD.

96. Plaintiff Karriem witnessed discrimination, harassment, and retaliation against African-Americans and women at PNA.

97. As a result of Defendant's actions, Plaintiff Karriem has suffered and continues to suffer severe mental anguish, humiliation, pain, distress, physical injury and exacerbation of existing physical conditions, reputational damage, damage to her career path, and loss of earning and other employment benefits.

COUNT THREE

(Allegations by Marilyn "Penny" Joseph)

98. Plaintiffs repeat the previous allegations as set forth at length herein.

99. Plaintiff Marilyn "Penny" Joseph ("Joseph") was hired by PNA in August of 1989. She is the first African-American female executive at PNA.

100. Plaintiff Joseph is a *cum laude* graduate of Spelman College.

101. Joseph is a pillar in both her corporate and personal communities. She is a board member of entities including but not limited to: The University of Medicine and Dentistry of New Jersey, University Hospital, and The NJ Performing Arts Center.

102. Since her employment with Defendant began, Plaintiff Joseph has been the victim of, and has witnessed against other female and African-American employees, a continuing pattern and practice of discrimination, harassment, and retaliation.

103. Throughout her career, Plaintiff Joseph battled for upward mobility on her behalf and on behalf of other minority and female employees. In doing so, she continuously encountered a pattern and practice of discrimination, resistance and fabricated obstacles against African-American and female employees who sought advancement. This behavior was exhibited by Asian and white American males.

104. As Director of Corporate Outreach Programs, Plaintiff Joseph directs, develops and leads Defendant's philanthropic strategy. In this regard, Joseph is responsible for determining strategic business goals and objectives for the corporation's external affairs programs. This includes, but is not limited to, "good corporate citizen" initiatives, serving as the "good will ambassador" for PNA, representing PNA on various community and service boards,

overseeing corporate charitable giving, and developing strategic partnerships with diverse communities.

105. Several times Plaintiff Joseph complained about discriminatory treatment. In response to one such complaint, Defendant gave Plaintiff Joseph a salary increase but without the prestige and respect of the appropriate operational title. Thus, her business card title was below her payroll title, thereby giving Plaintiff Joseph a marginalized position and diminished status in the corporate environment.

106. Because of Plaintiff Joseph's significant experience in the charitable community and in her role as Assistant General Manager of PNA Corporate Outreach, in the aftermath of the 1995 Kobe, Japan earthquake, Joseph was selected by then PNA Chairman Kirk Nakamura to create a campaign to support the victims of the earthquake. In that effort, she raised more than \$115,000. Plaintiff Joseph traveled to Japan to present the donations.

107. Acknowledging her dedication and diligence, the Chairman transferred her out of Government and Public Affairs and established the office of Corporate Contributions and assigned Plaintiff Joseph as the department head. In this position, Plaintiff Joseph endeavored to increase diversity at PNA.

108. Plaintiff Joseph found that PNA was not committed to diversity and complained about this lack of commitment several times. For example, Plaintiff Joseph complained to PNA President Richard Kraft that while PNA touted its training programs for minorities during Black History Month in Black Enterprise Magazine, in reality, that training program did nothing to foster diversity at PNA.

109. In or about January of 2000, because of the severe and pervasive nature of the ongoing race and sex discrimination Plaintiff Joseph personally experienced and witnessed against others, she tendered her resignation. When Chairman Kobe learned of this situation, he personally inquired as to her reason(s) for leaving. Plaintiff Joseph responded that she was tired of being treated like the "token" African-American by PNA. She also advised Chairman Kobe that she wanted to be considered for other career advancement opportunities such as "niche/targeted" marketing that would allow her to be more directly involved with the business side of the organization. Plaintiff Joseph felt that her vast network of external contacts would make her an even greater asset to PNA and help the company enter untapped markets.

110. Plaintiff Joseph was denied entry into the business side of the company, but Defendant encouraged Joseph to stay at the company by giving her a promotion and raise.

111. In or about June of 2000, Plaintiff Joseph was promoted to the position of Director of Recruiting and Outreach Programs, a concurrent assignment. In that capacity, she was responsible for Defendant's national recruiting efforts with specific direction to put emphasis on recruitment and retention of minorities and women to enhance diversity in the workforce.

112. Again, Plaintiff Joseph was confronted by discriminatory and retaliatory behavior when Defendant failed to announce her promotion in the management bulletin as is customary with all job changes and/or promotions at PNA. When Plaintiff Joseph complained about this disparate and discriminatory treatment, she was told it was "just an oversight" but no action was taken to correct it.

113. Plaintiff Joseph set goals and objectives to advance diversity, including but not limited to:

- (a) Expanding the recruitment sources by leveraging partnerships with organizations such as the Hispanic and Black MBA's, National Action Committee for Minorities in Engineering, and the National Urban League;
- (b) Hosting on-site diversity career fairs in partnership with the NY/NJ Hispanic and Black MBA's;
- (c) Providing senior executive management with a monthly report detailing the diversity hiring efforts; and
- (d) Encouraging Defendant to look at candidates' "core competencies" rather than focusing on white male industry insiders when interviewing and selecting new hires.

114. In or about late 2005 or early 2006, Plaintiff Joseph was stripped of her recruitment functions and title and was given the title Director, Corporate Outreach Programs. She was "pigeon-holed" into roles that limited her ability to earn a greater salary and stunted her growth/advancement within PNA.

115. During this time, Plaintiff Joseph repeatedly witnessed opportunities being created for white men and attempts to diminish her role in the corporate contributions department.

116. Plaintiff Joseph and others endured a culture that accepted yelling and screaming at female employees and banishing them to lesser positions.

117. In 2010, Plaintiff Joseph met with Vice President of Human Resources Lee to discuss promotional and advancement opportunities for Joseph. In response, Lee directed

Plaintiff Joseph to create a business plan that examined such opportunities. Plaintiff Joseph presented an innovative business plan which was rejected by Lee. Lee told Joseph that Joseph's only career path was in either relationship marketing or corporate outreach, thereby limiting Joseph's career advancement to positions in which PNA could benefit from her profile and community ties without giving her real career and earning opportunities.

118. After Plaintiff Joseph's complaints about the lack of career advancement opportunities being afforded to her, Lee and Taylor engaged in retaliatory behavior as described *infra*.

119. Directors at PNA have signatory authority of up to \$10,000 for expenditures within Corporate Contribution. Plaintiff Joseph exercised her authority over corporate giving in the best interests of PNA. Vice President Lee discriminated against Plaintiff Joseph by removing this authority and refusing to allow Joseph to continue to have discretion over corporate contributions.

120. Plaintiff Joseph created strategic relationships with leading minority and women's organizations in an effort to promote PNA, enhance the brand, and improve sales opportunities.

121. In that effort, Plaintiff Joseph established effective relationships and partnerships with organizations such as, but not limited to: the National Urban League, the NAACP, Catalyst, the Congressional Black Caucus, the Congressional Hispanic Caucus, National Black and Hispanic MBA's, Girls Inc., United Negro College Fund, ASPIRA Inc., National Association of Black Owned Broadcasters, Puerto Rican Family Institute, Education Law Center, and Repetorio Espanol.

122. During Taylor's tenure as Chair and CEO, corporate contributions to these ethnic, minority, and women's organizations have been redirected to other causes. For example, Taylor directed corporate support to athletic scholarships at Rutgers University.

123. Lee told Plaintiff Cruz that Taylor did not like Joseph's "style" because she is too aggressive. Acknowledging Taylor's stereotypical views of women, Lee said that "Joe doesn't like women who think or step up to him."

124. In retaliation for complaining about discrimination, asking for promotional opportunities, and questioning the company's recruitment policies, Plaintiff Joseph's budget was systematically and repeatedly cut and she was refused raises.

125. In April of 2011, Defendant announced that its new corporate headquarters would be moved to the City of Newark. A special project team was created. Despite Plaintiff Joseph's well-known, relevant, and substantial ties to the City of Newark at the business, civic, and political levels, she was not appointed to the project team.

126. Although she is not on the project team, Defendant has invited and continues to invite Plaintiff Joseph to public events in order to mislead the public about its commitment to diversity, thereby using Plaintiff Joseph as a "token" African-American.

127. In or about October 2012, Defendant hired Steve Safier as Chief Transformation and Human Resources Officer. Plaintiff Joseph and other employees of Panasonic were shocked and appalled by Defendant's discriminatory refusal to promote Plaintiff Cruz to the position for which she was identified as the successor and by Panasonic's changing its usual hiring practices in order to put a white male in the position rather than a highly qualified African-American female.

128. Plaintiff Joseph reported directly to Safier when Safier was hired, but now reports to Peter Fannon, Vice President of Government and Corporate Affairs.

129. Since his hiring, Safier has engaged in a pattern and practice of harassment, discrimination and retaliation against Plaintiff Joseph. For example, Safier has diminished Joseph's authority, denied previously approved operating expenditures, and reduced budgets of programs under Joseph that are already in progress.

130. In further retaliation for complaints of discrimination and retaliation, and in furtherance of a continuing pattern and practice of retaliation, in or about June 2013, Defendant through Taylor and Safier changed Plaintiff Joseph's title to Vice President, Community Relations and Corporate Outreach Programs. Defendant did so without any change to job level or benefits. A change in job level would have resulted in additional job entitlements such as an increase in target bonus, long term incentive, executive car value or car allowance and health care benefits. Defendant continued to compensate Plaintiff Joseph at the same level of benefits that she received as a Director. Defendant claims this fictitious title was bestowed upon Plaintiff Joseph to give the appearance that Plaintiff Joseph had a higher presence in the company for when she interacted with the public in Newark. Safier and Taylor also refused to pay Plaintiff Joseph the salary commensurate with her new job duties, rejecting market analyses provided which showed that Plaintiff Joseph was being underpaid in her new role.

131. Defendant's actions against Plaintiff Joseph constitute harassment, discrimination and retaliation in violation of the LAD.

132. As a result of Defendant's actions, Plaintiff Joseph has suffered and continues to suffer severe mental anguish, humiliation, pain, distress, physical injury, and exacerbation of

existing physical conditions, damage to her career path, reputational damage, and loss of earning and other employment benefits.

WHEREFORE, Plaintiffs, on behalf of themselves individually and collectively, pray for relief as follows:

- A. Compensatory damages, including pay for wage discrimination, failure to promote, damage to career path, damage to reputation and pain and suffering damages;
- B. Damages for physical injury and the exacerbation of pre-existing physical conditions;
- C. Injunctive relief in the form of promotions;
- D. Reimbursement for negative tax consequences resulting from a jury verdict;
- E. Punitive damages;
- F. Attorneys' fees and costs of suit;
- G. Such other relief as the court may deem equitable and just.

SMITH MULLIN, P.C.
Attorneys for Plaintiffs

BY: 

NANCY ERIKA SMITH

Dated: December 1, 2014

JURY DEMAND

Plaintiffs Glorina Cruz, Sandra Karriem, and Marilyn "Penny" Joseph demand trial by jury with respect to all issues that are so triable.

SMITH MULLIN, P.C.
Attorneys for Plaintiffs

BY: 
NANCY ERIKA SMITH

Dated: December 1, 2014

TRIAL COUNSEL DESIGNATION

Nancy Erika Smith, Esq. is hereby designated as trial counsel in this matter.

SMITH MULLIN, P.C.
Attorneys for Plaintiff

BY: 
NANCY ERIKA SMITH

Dated: December 1, 2014

CERTIFICATION

Pursuant to New Jersey Court *Rule 4:5-1*, counsel for Plaintiffs hereby certifies that to her knowledge, no matter related to this one is currently pending in either arbitration or litigation.

SMITH MULLIN, P.C.
Attorneys for Plaintiff

BY: 
NANCY ERIKA SMITH

Dated: December 1, 2014