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YOUNG SOO YANG,

Plaintiff,

v.

STEVENS INSTITUTE OF TECHNOLOGY,
EDWARD STUKANE and ANASTASIA
GREENE,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY
DOCKET NO. MID-L-668-21

CIVIL ACTION

**THIRD AMENDED COMPLAINT
AND JURY DEMAND**

Plaintiff Young Soo Yang (“Plaintiff” or “Yang”) by and through her attorneys, by way of a Third Amended Complaint against defendants Stevens Institute of Technology (“Stevens”), Edward Stukane (“Stukane”) and Anastasia Greene (“Greene”) (Stevens, Stukane and Greene collectively “Defendants”) hereby alleges as follows:

PARTIES AND VENUE

1. Plaintiff Yang is a resident of the town of Metuchen, Middlesex County, State of New Jersey. Yang served as the Senior Manager of Digital Content for Stevens from April 8, 2014 to October 19, 2020.
2. Defendant Stevens is a private university located in Hudson County, New Jersey.
3. Defendant Stukane is Stevens’ former Vice President of the Division of Communications & Marketing (“DCM”), a division of Stevens.

4. At all relevant times hereto, Defendant Greene was the Assistant Vice President of the DCM.

FACTS COMMON TO ALL COUNTS

5. In or about April 8, 2014, Yang was hired to work at Stevens as the Senior Manager of Digital Content.
6. As Senior Manager of Digital Content, Yang worked in the DCM under the supervision of Stukane, former Vice President of DCM, and Greene, Assistant Vice President of DCM and Yang's immediate supervisor.
7. At all times relevant hereto, Yang was a hard-working exemplary employee, fully performing her employment duties as Senior Manager of Digital Content, observing her employer's policies and punctual in attendance.
8. Stevens purports to hold a policy on discrimination, harassment and bias incidents (effective as of September 20, 2017) prohibiting discrimination, harassment and bias incidents based on protected classes such as race. Pursuant to the policy, "employees should report such conduct or incidents to their supervisor or the Vice President of Human Resources."
9. Stevens' purported policy against discrimination provides that the University shall promptly investigate reports of discrimination and take remedial action where appropriate. The policy further states that the investigator shall communicate a summary of their factual conclusions to the alleged victim and respondent.
10. Stevens' policy further provides a "Statement against Retaliation" that says that retaliation against anyone involved in making a good faith report regarding a potential violation of Stevens' anti-discrimination policy is prohibited and will not be tolerated.

11. On or about June 8, 2020, Stevens' Assistant Vice-President of Human Resources Maria "Sin" Ouckama along with Stevens' Executive Director of Diversity and Inclusion Susan Metz co-hosted a staff and faculty wide conversation, "Starting a Conversation: Standing Together and Standing Against Racism," wherein they alleged that Stevens was committed to ending discrimination and strengthening diversity, equality and inclusion at Stevens.
12. By letter from Metz and Stevens' Vice-President of Human Resources Warren Petty dated June 29, 2020, Stevens faculty and staff were again advised that Stevens was committed to taking action against discrimination. In fact, listed as the very first point of the letter is the goal to "Increase knowledge and discourse on topics relating to racial discrimination."
13. Yang reasonably relied on Stevens' Policy, letters and representations that it was committed to eradicating racial discrimination on its campus.

**A. Stevens Permitted a Hostile Work
Environment Toward Yang Based on Race**

14. For years, Stukane and Greene treated Yang differently than her white colleagues, creating a hostile work environment that Yang was forced to endure throughout her tenure at Stevens. Examples of the hostile work environment include but are not limited to the following instances.
15. For example, the DCM's practices in hiring and in promotions have systematically resulted in greater opportunities and higher pay for white employees. Over the past six years the majority of long-time white staff members, and indisputably every white writer/editor, who reported to Greene has either been promoted and/or given a substantial pay increase, while Yang was not. Indeed, throughout her 6+ year tenure, Yang watched

white team members who were hired years after she was hired lauded for their accomplishments and rewarded with promotions.

16. Notwithstanding the DCM's failure to recognize Yang in the same manner as her white counterparts, Yang always produced high-quality work product and her dedication was beyond reproach. DCM leadership could not deny the quality and value of Yang's work product during the course of at least six years of performance evaluations, from Yang's first evaluation in December 2014 to the time she was wrongfully terminated. Indeed, Greene once again confirmed that Yang's work more than met DCM standards during her yearly performance evaluation only several weeks prior to the termination of Yang's employment.

17. Another indisputable example of the differential treatment received by Yang was the amount of work assigned to her as compared to white staff members, including work beyond the scope of Yang's title and position. Clear illustrations of this include times of extra work that somehow always ended up disproportionately assigned to Yang. Indeed, Yang was the one tasked with significant responsibilities in times of high-level projects (commencement-related writing assignments, coverage of major university events, contributions to the alumni magazine, and writing and editing stories for the 150th anniversary website among the examples) and during times of crisis, first during the 2019 cyberattack (attending EMT meetings that required her to stay until 8-9pm for almost two straight weeks), and then during the transition to remote operations caused by the coronavirus pandemic beginning in March. There can be no dispute that the amount of work Yang was tasked to handle during the transition to remote work was disproportionately more than any of her white colleagues.

18. Additional examples of the DCM leadership's hostility toward Yang as the only writer of color are the numerous occasions when Yang was singled out for negative treatment, often including inappropriate remarks, in private and in front of others, castigating Yang for no legitimate reasons. Yang was repeatedly admonished for nothing related to her work. In fact, it became clear that Yang was to be dressed down any time Stukane or Greene thought she stepped out of her place.
19. White colleagues did not receive similarly abusive treatment. To the contrary, Stukane's and Greene's cursory responses toward wrongful behavior by white colleagues was in stark contrast to their attitude toward Yang over the years for undeniably lesser alleged offenses. In fact, Stukane and Greene tolerated and condoned instances of reported misconduct by white employees.
20. While white employees at the DCM were treated favorably, Yang was disfavored.
21. On one occasion DCM leadership went so far as to falsely charge Yang with an "ethics violation" based on conduct that was far from unethical, and was far surpassed by white colleagues with no consequence.
22. In 2017 Greene along with the Vice President of Human Resources reprimanded Yang for one sentence that appeared on a roughly 40-page compilation of unpublished worksheets for the then virtual campus tours project.
23. Since then, Greene has done nothing to reprimand white employees responsible for at least two instances of long-term illegal use of a copyrighted photo on the Stevens website.
24. The first instance, in July 2018, involving a copyrighted (and therefore legally prohibited) photo on the Stevens website of Beatrice Hicks. The photo remained illegally published

on the Stevens website for several months after discovery and finally removed later in the fall. When Yang first brought this to Stukane's attention soon after discovery of the illegal use, his response to Yang in his office was, "*What's the big deal?*"

25. The second instance was in early 2020 involving the illegal use of a photo of Charles Mott on the Stevens website. Once again, Yang was the one to advise Greene that there was an illegally used copyrighted photo on the Stevens website.
26. Stukane's and Greene's astonishingly cavalier response, or lack of response, to copyright infringements by white employees is completely opposite to their responses to Yang for one sentence within a 40-page compilation of unpublished worksheets.
27. DCM leadership's vast disparity in dealing with these issues more than suggests that the 2017 accusations against Yang were not only wrongful, but were intentionally created with willful and wanton disregard to the harm caused to Yang in generating a false record against her.
28. In September 2019 Yang wrote an article titled "Stevens President Discusses STEM Diversity at Times Higher Education Forum" to be published on the Stevens website. Yang's initial draft of the article included a quote from Stevens President Nariman Farvardin in which he referenced under-represented minorities. Greene stated that the phrasing in Farvardin's quote could be problematic, which led to a short discussion about some unfortunate gaffes from other leaders such as Joe Biden, who was then a candidate for the 2020 U.S. presidential election. Remarkably Greene attributed Farvardin's phrasing due to the fact that he is "not originally from the U.S." Upon information and belief, Farvardin has lived in the U.S. for decades and is an American citizen. No matter

how long Farvardin (or Yang) have lived in the U.S., to Greene they are viewed as foreigners. Yang reminded Greene that Biden was born in the U.S.

29. Whether it involves instances of inappropriate uses of copyrighted material, compensation or professional misconduct, white American-born employees of Stevens are treated one way — respected and valued with pay increases and given the benefit of the doubt. But matters involving Yang were escalated to human resources and legal, reprimanded in public and required to do more work without additional compensation.

**B. Yang's Reports of Discrimination and
Hostile Work Environment at Stevens' DCM**

30. On several occasions, Yang spoke to Greene directly about the disparate treatment she received, outlining numerous instances where she was treated differently from her white colleagues, to no avail.
31. In September 2019 during the annual performance evaluation, Yang expressed to Greene that she did not feel supported or treated in the same manner as other staff members. Instead of commencing a discussion about how the issue Yang presented could be resolved, Greene stated “*that is a serious accusation*” and did nothing to address the issue other than to shut it down.
32. Shortly thereafter, Yang reported Greene's hostility toward her to Stukane and requested to report directly to him, to no avail.
33. Lacking support from Greene and Stukane, Yang confidentially reported the DCM leaders' conduct and the hostile work environment to HR AVP Ouckama in an in-person meeting. Yang was not contacted by anyone in response to this report. Once again, no action was taken.

34. Approximately eight months passed with no response to Yang's reports of discriminatory treatment and the hostility against her continued.
35. On April 29, 2020 and May 6, 2020, Yang reported to Greene and Ouckama, respectively, acts of microaggression by Stukane against Yang during an April 27, 2020 staff meeting via Zoom.
36. Nobody ever followed up with Yang to investigate her report. In fact, there was no response to Yang's email until mid-June, (after Yang was compelled to submit several subsequent reports on the ongoing discrimination and hostility), at which time nothing was done to correct Stukane's actions, not even an acknowledgment of the wrongdoing.
37. On June 4, 2020 Yang emailed the DCM team regarding the George Floyd protest to refocus the staff from their misplaced focus by DCM leadership at a previous staff meeting on the property damage caused by protests to the racial injustice and bias that sparked such protests.
38. Nobody ever responded to Yang's email.
39. On June 9, 2020 the day after the university-wide meeting on racism ("Starting a Conversation"), Yang emailed Susan Metz (Executive Director of Diversity & Inclusion) and reported the hostile work environment and discrimination by the DCM leadership as the only writer of color at the DCM. Metz responded by saying she would raise Yang's concerns with HR VP Warren Petty.
40. Yang forwarded her email to Metz to Chief of Staff (now also Vice President of University Relations) Beth McGrath on June 9, 2020. McGrath, a key member of the president's office and president's cabinet since 2012, confirmed receipt of the forwarded email by responding, "Thanks Young."

41. Neither McGrath nor anyone else at the president's office ever followed up with Yang regarding her claims. Indeed, upon information and belief, McGrath and the president's office did not take any action, and certainly no meaningful action, to respond to Yang's allegations of discrimination and racism. To the contrary, on October 14, 2020 the president's office emailed an invitation to celebrate the retirement of Stukane in which key members of the president's cabinet, including HR VP Petty and Metz, would pay tribute to Stukane. Yang was discharged before the scheduled October 29 retirement celebration.
42. On June 15, 2020, there was a DCM team meeting on race and communication, facilitated by Ouckama. Restricted by Ouckama's "ground rules," Yang attempted to point out the racial insensitivities by DCM leadership, namely by Stukane.
43. During the meeting, Stukane responded to Yang by saying he has nieces adopted from China whose education he plans to help finance.
44. Greene would later label Yang's attempts as combative during Yang's last performance evaluation last September, instructing her to *adjust her attitude and language so as to not make the white leadership and colleagues at the DCM uncomfortable.*
45. Stukane thereafter gave Yang the "cold shoulder" at the workplace and avoided her whenever possible, including work related activities. This resulted in Yang being excluded from projects which as a senior manager of digital content she should have been involved, like the campus reopening website and later the new diversity website that was being developed.
46. On June 19, 2020, Yang met with Ouckama via Zoom to further elaborate on what she had witnessed and experienced at the DCM in relation to matters of race and

discrimination. During that discussion, Yang shared her own experiences and observations including a detailed account of an episode in which she heard Stukane make a derogatory remark aimed at a Black Stevens employee after one of the cyberattack EMT meetings in 2019. As a result of this meeting, no action was taken.

47. In July of 2020, Yang included a detailed statement about the racial bias and discrimination she suffered over the years at the DCM via Workday, as part of her 2020 performance evaluation. To make certain HR was in receipt of the statement, Yang emailed the statement as a Word document to Ouckama on July 29, 2020. Yang received no response from Ouckama, Human Resources or anybody else.

48. Having received no response, Yang emailed the statement to Metz on August 18, 2020. Metz confirmed receipt and advised Yang to follow up with Ouckama if Yang had “requested something,” but otherwise Yang received no response.

49. On September 11, 2020, during Yang’s yearly performance evaluation meeting, Greene arranged for HR AVP Ouckama to be included in what should have been a one-to-one meeting between a staffer and her supervisor, demonstrating yet another example of discriminatory behavior toward Yang.

50. Upon information and belief, Greene handled the performance evaluations of the white DCM staffers one-to-one, and did not require a representative from human resources to attend.

51. During the meeting, Greene confirmed that there were no issues with Yang’s work. However, Greene voiced her concerns, as stated above, that Yang had not been sufficiently nice in calling attention to the racial discrimination that she had faced at the

DCM. According to Greene, Yang was required to couch her language with the utmost sensitivity when asking for equal treatment.

52. Such demands by Stevens' leadership, including those from Human Resources, for censorship of claims of discrimination and/or racial bias violate the New Jersey laws against discrimination as well as Stevens' own purported policy against discrimination based on race.

53. Having still received no response to her reports of discrimination and harassment, Yang was compelled to elevate her report of discrimination and hostile work environment at the DCM to Human Resources as part of her rebuttal to Greene's remarks in Yang's performance evaluation and the September 11 meeting.

54. As part of this rebuttal, Yang wrote:

Sadly AVP Greene's responses during this evaluation process reinforced why AVP Greene is a harmful presence at an academic institution that aspires to be one of diversity and inclusion. The AVP's discriminatory behavior toward me has harmed me, both financially and emotionally, throughout my tenure at Stevens, and continues to do so. This behavior continues unabated. Her refusal to acknowledge this harm and her characterization of me in this evaluation to deflect scrutiny over her own conduct demonstrates why her continued supervisory power over me places me in a very vulnerable position.

55. Five weeks after reporting the discrimination and retaliation to Stevens' Human Resources, Yang's fear of speaking out against the discrimination at the DCM was realized when her employment was terminated, under the pretext of a layoff.

56. Conspicuously, Yang was selected for this "layoff" while white less experienced colleagues were retained.

57. Yang was selected for this "layoff" in retaliation for her continued reports of an escalating hostile work environment and discrimination.

58. Yang was not part of the legitimate layoff but rather was terminated because she reported discrimination and a hostile work environment at Stevens, which is not only immoral, but also a violation of New Jersey laws.

FIRST COUNT
(Racial Discrimination)

59. Plaintiff repeats the above allegations in this Complaint and incorporates same as if set forth herein at length.
60. Defendants subjected Plaintiff to discriminatory treatment and a hostile work environment based upon her race (Asian) in violation of the New Jersey Law Against Discrimination, N.J.S.A. 10-5:1, et seq.
61. Defendants Stukane and Greene regularly and openly discriminated against Plaintiff as an Asian-American employee and Defendant Stevens tolerated the discriminatory treatment against Plaintiff by Stevens' supervisory level personnel.
62. Plaintiff advised Defendant Stevens through Defendants Stukane and Greene and other high-level management employees including but not limited to the Stevens Human Resources Vice-President and Assistant Vice President of the discriminatory treatment she received by Defendants Stukane and Greene.
63. Plaintiff repeatedly requested that Defendants investigate the discriminatory treatment and provide an appropriate remedy for her. Despite this request, Defendants failed to take any action to investigate the discriminatory treatment or provide a remedy for said discriminatory treatment and hostile work environment. As a result of Defendants' failure to take any corrective measures and indeed, its suppression of attempts to take remedial measures, the discriminatory treatment and hostile work environment continued (and escalated in severity) until the final act of wrongfully terminating Plaintiff's employment.

64. Defendants have condoned, authorized, participated in and/or ratified the actions of discrimination set forth above, all to the detriment of the Plaintiff who has suffered damages therefrom.

65. As a result of the discriminatory treatment, hostile work environment, and the failure to investigate and remedy same, Plaintiff suffered and will continue to suffer loss of salary and benefits, mental anguish, stress, serious embarrassment, humiliation, nervous emotional upset and physical anguish, pain and suffering. The quality of the Plaintiff's life has been irreparably harmed.

WHEREFORE, Plaintiff hereby demands judgment against Defendants jointly, severally, and in the alternative for full compensation for back pay, benefits and remuneration, with interest; full compensation for front pay, benefits and other remuneration, with interest; compensatory and consequential damages; emotional distress damages; punitive damages, together with interest, costs of suit, attorneys' fees and such other relief as the Court may deem just and necessary.

SECOND COUNT
(Race Discrimination: Implicit Bias)

66. Plaintiff repeats the above allegations in this Complaint and incorporates same as if set forth herein at length.

67. Implicit anti-Asian bias is linked to discrimination and violence against Asian Americans.

68. Starting in March 2020 and for almost a year thereafter, Donald Trump publicly called the Covid-19 pandemic "the Chinese virus," contributing to an astronomical rise in anti-Asian bias (explicit and implicit) and discrimination in America.

69. During the Covid-19 pandemic, Defendants made blanket statements acknowledging and publicly condemning the rise in anti-Asian discrimination and violence, yet did nothing

to provide its workforce with any meaningful education nor training regarding the anti-Asian discrimination.

70. Anti-Asian bias has a specific set of stereotypes that go along with it, and Stevens does not recognize nor condemn how these stereotypes played into Plaintiff's termination.
71. The stereotypes and expectations of Asian Americans are as docile subordinates who will maintain the status quo and take on extra work without complaining, and lacking the personality it takes to manage and lead people. They are expected to be deferential, keep their heads down, refrain from speaking out, and stay very quiet.
72. The stereotypes and expectations of Asian American women are to be motherly and nice "like all women" — but even more subservient and accommodating, or else they are deemed to be hostile, high strung, uber-demanding and severe to the point of abusive. When Asian American females are assertive, they are often dehumanized and stereotyped as ruthless and inscrutable, playing into racist tropes such as the Dragon Lady and Asian Tiger Mom.
73. High level Stevens officials, including but not limited to Stukane and Greene, treated Plaintiff differently than other Stevens employees based on these anti-Asian stereotypes. For example, Plaintiff was never promoted nor given any other opportunity for advancement notwithstanding her years of high quality work at Stevens. Plaintiff was never given the chance to be a leader of any kind, nor manage others, in any official capacity. Further, on more than one occasion Plaintiff was admonished for speaking up and branded a trouble-maker for making the white employees uncomfortable when she

initiated discussion on equality, diversity and discrimination issues, as they related to on campus matters as well as off campus current events.

74. Plaintiff is not any more of a “trouble-maker” than white male employees who initiate difficult conversations, but rather Defendants are offended by Plaintiff as an Asian American woman who Defendants perceive to be overly assertive and threatening.

75. Since the beginning of the Covid-19 pandemic, Stevens did not provide its employees with anti-Asian bias training, nor did Stevens do anything to educate their employees about anti-Asian stereotypes and implicit biases that perpetuate the dehumanization of Asians in American society and workplaces.

76. For the years that Plaintiff worked at Stevens, Stevens’ bias training was silent about anti-Asian stereotypes and anti-Asian discrimination.

77. In or around the end of 2020, while much of the Stevens workforce was working remotely due to the Covid-19 pandemic, implicit anti-Asian bias influenced the Stevens’ decision makers to wrongfully include Plaintiff as part of the Reduction in Force, thereby terminating her employment.

78. Writers and editors are crucial to Stevens’ communications objectives and there continues to be writers’ and editors’ tasks to do. Plaintiff was qualified to perform her job responsibilities. Plaintiff was made part of the RIF notwithstanding these facts, and her job responsibilities were re-assigned to white employees. It is no coincidence that Plaintiff also happens to be an Asian American woman.

79. Defendants subjected Plaintiff to implicit bias discriminatory treatment and a hostile work environment based upon her race (Asian) in violation of the NJLAD.

80. Defendants' implicit bias against Asian-Americans is the reason why they continued to unload crucial work assignments on Plaintiff without recognition in any meaningful way, while simultaneously promoting and rewarding white employees for mediocrity work product.
81. Greene's vastly different treatment toward Plaintiff can also be seen in the way she chastised Plaintiff for perceived wrongs while being clear "not to find fault" for errors made by white employees.
82. Anti-Asian implicit biases featured in the determination of Plaintiff's employment termination, whether or not the decision makers were consciously aware of it.
83. Defendants treated Plaintiff with a very different standard than her white colleagues.
84. On or about October 19, 2020, Plaintiff was notified that her employment at Defendant was being terminated without cause. Although Defendant characterized Plaintiff's termination as being part of a "Reduction in Force" ("RIF"), such claim was a pretext for Defendants' implicit bias and discriminatory policies and practices on the basis of race.
85. Defendants' decision to include Plaintiff in the asserted RIF was in reality based on Defendants' implicit biases against Asian Americans that Stevens failed to train its decision-making employees to acknowledge and reject.
86. As a direct and proximate result of Defendants' race discrimination, Plaintiff suffered, and continues to suffer, from both economic and non-economic loss, emotional distress incidental to months of adverse and hostile treatment prior to her termination, from the wrongful termination itself and from the consequences thereof, both economic and emotional in nature.

87. Defendants' acts were done intentionally, maliciously and were egregiously wrongful toward Plaintiff and others.

WHEREFORE, Plaintiff hereby demands judgment against Defendants jointly, severally, and in the alternative for full compensation for back pay, benefits and remuneration, with interest; full compensation for front pay, benefits and other remuneration, with interest; compensatory and consequential damages; emotional distress damages; punitive damages, together with interest, costs of suit, attorneys' fees and such other relief as the Court may deem just and necessary.

THIRD COUNT
(National Origin Discrimination)

88. Plaintiff repeats the above allegations in this Complaint and incorporates same as if set forth herein at length.

89. Defendants subjected Plaintiff to discriminatory treatment and a hostile work environment based upon her National Origin (Korean) in violation of the New Jersey Law Against Discrimination, N.J.S.A. 10-5:1, et seq.

90. Defendants Stukane and Greene regularly and openly discriminated against Plaintiff as an Asian-American employee who was born in Korea and Defendant Stevens tolerated the discriminatory treatment against Plaintiff by Stevens' supervisory level personnel.

91. Plaintiff advised Defendant Stevens through Defendants Stukane and Greene and other high-level management employees including but not limited to the Stevens Human Resources Vice-President and Assistant Vice President of the discriminatory treatment she received by Defendants Stukane and Greene.

92. Plaintiff repeatedly requested that Defendants investigate the discriminatory treatment and provide an appropriate remedy for her. Despite this request, Defendants failed to take any action to investigate the discriminatory treatment or provide a remedy for said discriminatory treatment and hostile work environment. As a result of Defendants' failure to take any corrective measures and indeed, its suppression of attempts to take remedial measures, the discriminatory treatment and hostile work environment continued (and escalated in severity) until the final act of wrongfully terminating Plaintiff's employment.

93. Defendants have condoned, authorized, participated in and/or ratified the actions of discrimination set forth above, all to the detriment of the Plaintiff who has suffered damages therefrom.

94. As a result of the discriminatory treatment, hostile work environment, and the failure to investigate and remedy same, Plaintiff suffered and will continue to suffer loss of salary and benefits, mental anguish, stress, serious embarrassment, humiliation, nervous emotional upset and physical anguish, pain and suffering. The quality of the Plaintiff's life has been irreparably harmed.

WHEREFORE, Plaintiff hereby demands judgment against Defendants jointly, severally, and in the alternative for full compensation for back pay, benefits and remuneration, with interest; full compensation for front pay, benefits and other remuneration, with interest; compensatory and consequential damages; emotional distress damages; punitive damages, together with interest, costs of suit, attorneys' fees and such other relief as the Court may deem just and necessary.

FOURTH COUNT
(Hostile Work Environment/Harassment)

95. Plaintiff repeats the above allegations in this Complaint and incorporates same as if set forth herein at length.
96. Stukane's and Greene's conduct, actions and comments toward Plaintiff in the workplace were offensive and intimidating to Plaintiff as an Asian-American individual who was born in Korea. Stukane and Greene undermined Plaintiff's self-confidence and interfered with her ability to be perceived by others as a capable worker with the potential to advance and succeed in the workplace.
97. Stukane's and Greene's conduct constituted supervisory racial and national origin harassment and created a hostile work environment toward Plaintiff, in violation of the New Jersey Law Against Discrimination, N.J.S.A. 10-5:1, et seq.
98. Stukane's and Greene's conduct, some of which has been described above, would not have occurred but for the Plaintiff's race and national origin.
99. Stukane's and Greene's conduct as described above was severe and pervasive enough to make a reasonable Asian individual who was born in Korea believe that the conditions of employment at Stevens were altered.
100. The working environment at Stevens was hostile and abusive.
101. Defendant Stevens had actual knowledge of the harassment as described above but did nothing to stop it. Due to Defendants refusal to stop the supervisory harassment, the severity of the hostile working environment increased.
102. Defendant Stevens sent a clear message to Plaintiff that the racial harassment is acceptable at Stevens and that management supported Stukane and Greene. As such, Defendant Stevens condoned, authorized, participated in and/or ratified the hostile

working environment as set forth above, all to the detriment of Plaintiff who has suffered damaged therefrom.

103. As a result of the discriminatory treatment, hostile work environment, and the failure to investigate and remedy same, Plaintiff suffered and will continue to suffer loss of salary and benefits, mental anguish, stress, serious embarrassment, humiliation, nervous emotional upset and physical anguish, pain and suffering. The quality of the Plaintiff's life has been irreparably harmed.

WHEREFORE, Plaintiff hereby demands judgment against Defendants jointly, severally, and in the alternative for full compensation for back pay, benefits and remuneration, with interest; full compensation for front pay, benefits and other remuneration, with interest; compensatory and consequential damages; emotional distress damages; punitive damages, together with interest, costs of suit, attorneys' fees and such other relief as the Court may deem just and necessary.

FIFTH COUNT
(Retaliatory Discharge)

104. Plaintiff repeats the above allegations in this Complaint and incorporates same as if set forth herein at length.

105. Defendants terminated Plaintiff's employment in retaliation for her numerous complaints and grievances to Stevens management about the racial discrimination and hostile work environment at the DCM at Stevens in violation of the New Jersey Law Against Discrimination, N.J.S.A. 10-5:1, et seq.

106. Defendants terminated Plaintiff's employment in retaliation for her reports about racial discrimination and hostile work environment at the DCM at Stevens in violation of the New Jersey Law Against Discrimination, N.J.S.A. 10-5:1, et seq.

107. As a result of the retaliatory discharge, Plaintiff has suffered and will continue to suffer loss of salary and benefits, mental anguish, stress, serious embarrassment, humiliation, nervous emotional upset and physical anguish, pain and suffering. The quality of Plaintiff's life has been irreparably harmed.

WHEREFORE, Plaintiff hereby demands judgment against Defendants jointly, severally, and in the alternative for full compensation for back pay, benefits and remuneration, with interest; full compensation for front pay, benefits and other remuneration, with interest; compensatory and consequential damages; emotional distress damages; punitive damages, together with interest, costs of suit, attorneys' fees and such other relief as the Court may deem just and necessary.

SIXTH COUNT
(Breach of Contract)

108. Plaintiff repeats the above allegations in this Complaint and incorporates same as if set forth herein at length.

109. Stevens provided Plaintiff with a written policy against discrimination, harassment and bias incidents. The policy further prohibits retaliation for bringing a claim of discrimination.

110. Pursuant to Stevens' written policies, Stevens warranted and represented that discrimination and harassment based on race would not be tolerated.

111. The actions of Defendants Stukane and Greene were not in conformity with, and were clearly contrary to, the representations and warranties made within Stevens' policy on discrimination.
112. Pursuant to Stevens' policy, Plaintiff advised Defendants of the discrimination and harassment she experienced as an Asian-American employee.
113. Plaintiff requested that Defendants investigate the discriminatory treatment and provide an appropriate remedy. Despite numerous requests, Defendants failed to take any action to investigate the discriminatory treatment or provide a remedy for said discriminatory treatment and hostile work environment. As a result of Defendants' actions and failure to act, the discriminatory treatment and hostile work environment continued and escalated in severity to and including the termination of Plaintiff's employment.
114. Defendants condoned, authorized, participated in and/or ratified the actions of discrimination set forth above, all to the detriment of the Plaintiff who suffered damaged therefrom.
115. The actions of Defendant Stevens, through Defendants Stukane and Greene, are not in conformity with, and are clearly contrary to, the representations and warranties made within Stevens' Policy on Discrimination.
116. As a result of the Defendants' breach of the terms and conditions of Stevens' Discrimination Policy, Plaintiff suffered and will continue to suffer loss of salary and benefits, mental anguish, stress, serious embarrassment, humiliation, nervous emotional upset and physical anguish, pain and suffering. The quality of Plaintiff's life has been irreparably harmed.

WHEREFORE, Plaintiff hereby demands judgment against Defendants jointly, severally, and in the alternative for full compensation for back pay, benefits and remuneration, with interest; full compensation for front pay, benefits and other remuneration, with interest; compensatory and consequential damages; emotional distress damages; punitive damages, together with interest, costs of suit, attorneys' fees and such other relief as the Court may deem just and necessary.

SEVENTH COUNT
(Intentional Infliction of Emotional Distress)

117. Plaintiff repeats the above allegations in this Complaint and incorporates same as if set forth herein at length.

118. Defendant Stevens through Defendants Stukane and Greene purposefully, knowingly, voluntarily, recklessly, and with malice engaged in outrageous conduct in, among other things, subjecting Plaintiff to racial harassment, a hostile work environment and retaliated against Plaintiff by wrongfully terminating her employment because of her reports about the ongoing discrimination at Stevens.

119. Defendants' acts were intended to produce emotional distress.

120. Defendants' extreme and outrageous conduct has caused Plaintiff to suffer severe emotional distress and severe emotional damages, exhibited in, among other things, nightmares, anxiety, loss of sleep, embarrassment, anger, extreme worry, fear and disruption of Plaintiff's life and work.

121. Plaintiff sustained and will continue to sustain damages as a result of Defendants' extreme and outrageous conduct.

WHEREFORE, Plaintiff hereby demands judgment against Defendants jointly, severally, and in the alternative for full compensation for back pay, benefits and remuneration, with interest; full compensation for front pay, benefits and other remuneration, with interest; compensatory and consequential damages; emotional distress damages; punitive damages, together with interest, costs of suit, attorneys' fees and such other relief as the Court may deem just and necessary.

EIGHTH COUNT
Aiding and Abetting

122. Plaintiff repeats the above allegations in this Complaint and incorporates same as if set forth herein at length.

123. Defendants wrongfully aided and abetted unlawful, discriminatory and retaliatory treatment of Plaintiff in violation of the New Jersey Law Against Discrimination N.J.S.A. 10:5-1, et seq. and for all causes of action and actions herein.

124. Stukane's and Greene's conduct had the approval of Defendant Stevens and vice versa.

125. Stevens' high-level executives, including but not limited to managers in human resources, knew or should have known that Stevens officials were discriminating against Plaintiff as stated above.

126. Defendant Stevens knew or should have known that Stevens officials treated Plaintiff differently based on her race, in violation of law and Stevens' policy.

127. Defendant Stevens, through university officials including but not limited to human resources management, did nothing to stop Stukane and Greene from violating the law and Stevens' policy by discriminating against Plaintiff and then retaliating against her for reporting the discrimination, as stated above.

128. Because of the collective acts of several Stevens officials and due to their plan, scheme and motives to discriminate against Plaintiff based on her race, Defendant Stevens wrongfully aided and abetted in violations of law.

129. As a result of Defendants' unlawful conduct, Plaintiff suffered emotional distress, anxiety, depression, humiliation and embarrassment.

130. As a concerted effort, Defendants conspired to discriminate, harass and retaliate against Plaintiff.

WHEREFORE, Plaintiff hereby demands judgment against Defendants jointly, severally, and in the alternative for full compensation for back pay, benefits and remuneration, with interest; full compensation for front pay, benefits and other remuneration, with interest; compensatory and consequential damages; emotional distress damages; punitive damages, together with interest, costs of suit, attorneys' fees and such other relief as the Court may deem just and necessary.

NINETH COUNT
(Promissory Estoppel)

131. Plaintiff repeats the above allegations in this Complaint and incorporates same as if set forth herein at length.

132. Defendant Stevens by its actions made clear and definite promises, warranted and represented that it was committed to eradicating racial discrimination on campus, and encouraged faculty and staff to report incidents of discrimination.

133. Defendant Stevens further promised and warranted that there would be no retaliation against individuals who reported incidents of racial discrimination.

134. Plaintiff reasonably relied upon the promises and assurances of Defendant Stevens when she reported incidents of racial discrimination.

135. Defendant Stevens should have reasonably expected that Stevens faculty and staff, including but not limited to Plaintiff, would rely on its actions and assurances within its anti-discrimination policy, its June 8, 2020 community conversation, “Standing Together and Standing Against Racism,” its letter dated June 29, 2020 promising Stevens faculty and staff that it was committed to action to eradicate racial discrimination at Stevens, and that Defendant Stevens would be bound by said promises.

136. Plaintiff reasonably relied on Defendant Stevens’ actions and promises that Stevens’ faculty and staff would not be retaliated against if they reported racial discrimination.

137. In reliance on Defendant Stevens’ promises, Plaintiff reported the racial discrimination and hostile work environment she was forced to endure working at the DCM at Stevens.

138. Five weeks after reporting the discrimination and retaliation to Stevens Human Resources, Plaintiff’s fear of speaking out against the discrimination at the DCM was realized when her employment was terminated, under the pretext of a layoff.

139. As a result of the Defendants’ conduct, Plaintiff has suffered monetary damages, compensatory damages, consequential damages, mental anguish, stress, serious embarrassment, humiliation, nervous emotional upset and physical anguish, pain and suffering.

WHEREFORE, Plaintiff hereby demands judgment against Defendants jointly, severally, and in the alternative for full compensation for back pay, benefits and remuneration, with interest; full compensation for front pay, benefits and other remuneration, with interest; compensatory and consequential damages; emotional distress damages; punitive damages,

together with interest, costs of suit, attorneys' fees and such other relief as the Court may deem just and necessary.

TENTH COUNT

(Violation of the New Jersey Law Against Discrimination - Diane B. Allen Equal Pay Act)

140. Plaintiff repeats and reasserts all the allegations set forth in the foregoing paragraphs as if set forth herein at length.
141. Defendant Stevens is legally obligated to pay plaintiff, who is a member of a protected class by virtue of her race and national origin, a rate of compensation that is equal to the rate of compensation paid to employees who are not members of the protected classes, for substantially similar work.
142. Stevens violated the Diane B. Allen Equal Pay Act by paying Plaintiff who is a Korean born individual less than employees who are not Korean for substantially similar work when viewed as a composite of skill, effort and responsibility. Comparators who have roles similar to Plaintiff in other parts of the university and who are not Korean are paid more for substantially similar work.
143. By email dated September 12, 2019 from Ouckama to Greene, Ouckama acknowledged that Plaintiff was paid lower than the Stevens compensation philosophy and recommended a raise to Plaintiff's salary. Plaintiff did not receive said raise.
144. The pay differentials between Plaintiff and Stevens employees who are not Korean are not based on a seniority system, a merit system or any other legitimate bona fide factors (such as training, education or experience) that: (a) are not based upon and do not perpetuate a differential based upon characteristics of Koreans;

(b) are applied reasonably; (c) account for the entire differential; and (d) are job-related and based upon a legitimate business necessity.

145. As a direct result of Stevens' unlawful actions, Plaintiff suffered a loss of compensation, earnings and benefits while employed at Stevens because she was being paid in violation of the Equal Pay Act.

146. As a result of Stevens' failure to pay Plaintiff equal pay for substantially similar work, Plaintiff has suffered emotional distress, pain and suffering, and damage to professional reputation and career path losses.

WHEREFORE Plaintiff demands judgment as follows: (a) A judgment that Stevens paid Plaintiff compensation in violation of the Diane B. Allen Equal Pay Act; (b) Treble damages for back pay and benefits; (c) Damages for emotional distress, pain and suffering, and damage to professional reputation and career path losses; (d) Attorneys' fees pursuant to N.J.S.A. 10:5-27.1 and other applicable law; (e.) Costs and disbursements of this action, together with such other legal or equitable relief as this Court may deem just and proper; and (f) A finding that the Court shall retain jurisdiction over this matter.

JURY DEMAND

Plaintiff hereby demands, pursuant to R. 4:35-1 et seq., a jury trial on all issues so triable.

TRIAL COUNSEL

Plaintiff hereby designates Beth C. Rogers, Esq. as trial counsel.

CERTIFICATION PURSUANT TO R. 4:5-1

No other known parties should be joined to this action. There are no related lawsuits or proceedings or arbitrations pending, and none are contemplated.

ROGERS & JUNG, LLC
Attorneys for Plaintiff

Beth C. Rogers

By: _____
Beth C. Rogers, Esq.

Dated: June 1, 2022

DEMAND TO PRESERVE EVIDENCE

Defendants are hereby directed and demanded to preserve all physical and electronic information related in any way to plaintiff's employment, to Plaintiff's causes of action and/or prayers for relief, to a defense of the same, and pertaining to any party, including but not limited to electronic data storage, closed circuit audio footage, digital images, computer images, cache memory, searchable data, emails, spreadsheets, employment files, memos, text messages and any and all online social or work related websites, information on social networking sites and any other information and/or data and/or things and/or documents which may be relevant to any claim or defense in this litigation.

ROGERS & JUNG, LLC
Attorneys for Plaintiff

Beth C. Rogers

By: _____
Beth C. Rogers, Esq.

Dated: June 1, 2022

DEMAND FOR INSURANCE INFORMATION

Pursuant to New Jersey Court Rule 4:10-2(b), Demand is hereby made that Defendants disclose whether or not there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or indemnify or reimburse for payments made to satisfy the judgment and provide Plaintiff's attorney with true copies of those insurance agreements or policies, including but not limited to, any and all declaration sheets. This demand shall include and cover not only primary coverage but also any and all excess and umbrella policies.

ROGERS & JUNG, LLC
Attorneys for Plaintiff

Beth C. Rogers

By: _____
Beth C. Rogers, Esq.

Dated: June 1, 2022