

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

----- X

HEATHER SHEPHERD,

Plaintiff,

-against-

BLUE SKY STUDIOS, INC., TWENTIETH
CENTURY FOX FILM CORPORATION, and
KEITH STICHWEH, in his individual and
official capacities,

Defendants.

----- X

Date Purchased:

Index No.: 1111358

SUMMONS

Plaintiffs designate
NEW YORK COUNTY
as the place of trial

The basis of venue is:
RESIDENCE OF
PLAINTIFF HEATHER
SHEPHERD

To the above named Defendants:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's Attorney within 20 days after service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: October 5, 2011
New York, New York

Yours, etc.

Kenneth P. Thompson
Lawrence M. Pearson

THOMPSON WIGDOR LLP
85 Fifth Avenue, Fifth Floor
New York, New York 10003
(212) 257-6800

Attorneys for Plaintiff Heather Shepherd

FILED
OCT 05 2011
COUNTY CLERKS OFFICE
NEW YORK

**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY**

-----X	:	
HEATHER SHEPHERD,	:	
	:	VERIFIED
Plaintiff,	:	<u>COMPLAINT</u>
	:	
-against-	:	
	:	Index No.:
BLUE SKY STUDIOS, INC., TWENTIETH	:	
CENTURY FOX FILM CORPORATION, and	:	
KEITH STICHWEH, in his individual and	:	
official capacities,	:	
	:	<u>Jury Trial Demanded</u>
Defendants.	:	
-----X	:	

Plaintiff Heather Shepherd (“Ms. Shepherd” or “Plaintiff”), by and through her undersigned counsel, Thompson Wigdor LLP, as and for her Complaint in this action against Defendants Blue Sky Studios, Inc. (“Blue Sky” or the “Company”), Twentieth Century Fox Film Corporation (“20th Century Fox”), and Keith Stichweh (“Defendant Stichweh”) (together, “Defendants”), hereby states and alleges as follows:

NATURE OF THE CLAIMS

1. Ms. Shepherd brings this action for declaratory, injunctive and equitable relief, as well as monetary damages, to redress Defendants’ unlawful employment practices and harassment committed against her due to her sex and in retaliation for her complaints of discrimination, in violation of the New York State Human Rights Law, New York Executive Law §§ 290 et seq., and the New York City Human Rights Law, New York Administrative Code §§ 8-101 et seq.

2. Specifically, during her employment at Blue Sky, Ms. Shepherd has been forced to work in a hostile work environment where she was subjected to repeated acts of discrimination, harassment and intimidation, as well as humiliating verbal abuse by her former

supervisor, Defendant Stichweh, and others based on her gender. Moreover, Defendants have unlawfully retaliated against Ms. Shepherd because she has complained about the gender discrimination and harassment being committed against her in the workplace.

3. At all times, Defendants' conduct was knowing, wanton, willful and/or showed a reckless disregard for Plaintiff, which has caused, and continues to cause, Plaintiff to suffer substantial non-economic damages, permanent harm to her professional and personal reputations and career prospects, and severe mental anguish and emotional distress.

JURISDICTION AND VENUE

4. The Court has personal jurisdiction over Defendants pursuant to Sections 301 and/or 302 of the New York Civil Practice Law and Rules ("CPLR") in that Defendants transact and/or solicit business within New York State, from which they derive substantial revenues.

5. The Court has personal jurisdiction over Defendant Stichweh because he resides within New York State and a portion of the unlawful employment practices and events giving rise to the claims herein occurred in New York.

6. The Court has subject matter jurisdiction over this action by virtue of the New York State Human Rights Law, New York Executive Law § 297(9), and the New York City Human Rights Law, New York Administrative Code § 8-502(a).

7. Venue is proper in this county pursuant to CPLR § 503(a) because Plaintiff resides in New York County.

ADMINISTRATIVE REQUIREMENTS

8. Pursuant to NYCHRL § 8-502, Ms. Shepherd will serve a copy of this Complaint upon the New York City Commission on Human Rights and the New York City Law Department, Office of the Corporation Counsel within ten days of its filing, thereby satisfying the notice requirements of that section.

9. Any and all other prerequisites to the filing of this suit have been met.

PARTIES

10. Plaintiff Heather Shepherd is a female employee of Blue Sky, and currently resides in New York County, New York. At all relevant times, Plaintiff has met the definition of an “employee” under all applicable statutes.

11. Defendant Blue Sky is a wholly owned subsidiary of Fox Filmed Entertainment, a division of News Corporation, with its principal offices located at 1 American Lane, Greenwich, Connecticut. The Company moved its offices to Greenwich from White Plains, New York in or around January 2009. At all relevant times, Blue Sky has met the definition of an “employer” under all applicable statutes.

12. Defendant 20th Century Fox is a wholly owned subsidiary of Fox Filmed Entertainment, a division of News Corporation, with its principal offices located at 10201 West Pico Boulevard, Los Angeles California. Defendant 20th Century Fox shares legal and human resources functions and personnel with Blue Sky.

13. Defendant Stichweh is the head of the Character Simulation team at Blue Sky and was Ms. Shepherd’s immediate supervisor from 2009 to 2011. In that capacity, he controlled Ms. Shepherd’s employment with Blue Sky, and participated directly in the gender discrimination, harassment, and unlawful retaliation committed against her. Upon information and belief, Defendant Stichweh is a resident of New York.

FACTUAL ALLEGATIONS

I. Heather Shepherd’s Employment with Blue Sky

14. Heather Shepherd started work at Blue Sky in March 2009 as a modeler/sculptor on a temporary basis, creating three-dimensional images of objects for use in the Company’s computer-animated films, such as “Rio.” As a result of her excellent work, her temporary

assignment was renewed twice, and she was hired to do modeling work for the Company's Character Simulation team on a permanent, full-time basis in or around September 2009. Ms. Shepherd thereafter reported directly to Defendant Stichweh, the Cloth Technical Director/Cloth Simulation Supervisor.

II. Defendant Stichweh's Sexual Harassment of Ms. Shepherd

15. As soon as Ms. Shepherd began working in the Character Simulation department, Defendant Stichweh, a married man, a father and her boss, began to sexually harass her by asking her out on dates and initiating unwelcome physical contact. From the start, Defendant Stichweh would linger unnecessarily at Ms. Shepherd's desk, tell her she looked "pretty" and that he had assigned her work so they would work together alone in his office, and commented that he had never worked in an office where he was not involved with a female employee. By way of example only, Defendant Stichweh told Ms. Shepherd that, "I've hooked up with most of the women I've worked with." Defendant Stichweh also sent Ms. Shepherd a series of personal emails and text messages, in which he sought to initiate an intimate relationship. Defendant Stichweh also repeatedly discussed with Ms. Shepherd his dissatisfaction with his marriage.

16. During a team excursion to New York City in or around early December 2009, Defendant Stichweh asked Ms. Shepherd to join him for a drink alone after the team had dinner together. Once they were away from the rest of the team, Defendant Stichweh poured out his feelings for Ms. Shepherd, and pressed her to enter into a sexual relationship with him, which Ms. Shepherd reluctantly agreed to do.

17. Ms. Shepherd repeatedly attempted to end her brief relationship with Defendant Stichweh, but he refused to accept it. Defendant Stichweh became agitated or tearful whenever Ms. Shepherd broached the subject of breaking off the relationship, telling her about his estrangement from his wife and his desire for a relationship that would spare him having to resort

to hiring a prostitute. After one business event, Defendant Stichweh went so far as to grab Ms. Shepherd against her will and kiss her over her objections. During their relationship, Defendant Stichweh also asked Ms. Shepherd if she was dating other men and often checked up on her whereabouts.

18. In January 2010, Ms. Shepherd ended her relationship with Defendant Stichweh completely. From that point forward, Defendant Stichweh's conduct towards Ms. Shepherd became increasingly hostile, as he engaged in repeated unlawful acts of intimidation and humiliation. Ms. Shepherd, fearing for her job, was forced to try to calm Defendant Stichweh and appealed to him to stop the harassment and refrain from undermining her position at the Company.

III. The Hostile Work Environment and Discriminatory Treatment at Blue Sky

19. During the several months after their relationship ended, Defendant Stichweh engaged in gradually escalating harassing conduct toward Ms. Shepherd, including harsh and intimidating emails and text messages, frequent in-person confrontations and shouting, as well as other communications attempting to rekindle their sexual relationship. By way of example only, Defendant Stichweh regularly exploded verbally at Ms. Shepherd and insulted her, calling her "stupid" and "nuts," among other things. Ms. Shepherd informed Defendant Stichweh more than once, including in emails, that she would have to bring his behavior to the attention of Human Resources if it did not stop.

20. Defendant Stichweh threatened Ms. Shepherd's position at the Company by making comments to the effect that he could do whatever he wanted to her, including placing her in a different department, and telling her that men take advantage of women all the time and no one cares. Defendant Stichweh also at one point gave Ms. Shepherd a supposedly humorous mock job interview checklist for vetting people for potential sexual encounters.

21. Ms. Shepherd informed Defendant Stichweh more than once that she would have to bring his behavior to the attention of Human Resources if it did not stop, but he refused to cease his improper conduct.

22. On or around June 1, 2010, Ms. Shepherd received a positive performance evaluation and a pay raise. However, the day before, on or around May 31, 2010, Defendant Stichweh physically threw the performance evaluation at Ms. Shepherd when she came to his office at his request. During that encounter, Defendant Stichweh remarked to Ms. Shepherd that the fact that she might report his unacceptable conduct to Human Resources only showed that she was ungrateful for the positive performance evaluation and pay raise he had obtained for her.

23. Later that same day, Ms. Shepherd told the former Coordinator of the Character Simulation team, Jennifer Kegel, that Defendant Stichweh harassed and verbally abused her constantly, and that he did not do this to any of the male employees. Ms. Kegel's only response was that, although Defendant Stichweh did single her out for abusive treatment, Ms. Shepherd should mind her own business.

24. Ms. Shepherd also brought Defendant Stichweh's aggressive, hostile, and intimidating behavior to the attention of the Company in her review of Defendant Stichweh, which she was required to write around the same time as her own performance review. The Company failed to respond to her complaints of harassment.

25. Around June 2010, Defendant Stichweh's campaign of unlawful harassment, intimidation and retaliation towards Ms. Shepherd became more intense. Defendant Stichweh arbitrarily, without consulting or warning Ms. Shepherd, took away her modeling and sculpting job duties, and reassigned her to a new Technical Director role working on shots for production, a character simulation job in which she had no experience and which required her to learn an entirely new set of specialized technical skills animating characters and objects.

26. Defendant Stichweh also retaliated against Ms. Shepherd by pulling her off of development work for upcoming films and projects, while falsely claiming that she was not assigned to such projects although she previously had received emails to the contrary. When Ms. Shepherd mentioned to Defendant Stichweh that her work assignments were drying up, she stopped receiving the weekly assignment sheet for her team, which listed each employee's assignments.

27. Although Ms. Shepherd's modeling work was taken away from her, Defendant Stichweh's Character Simulation department started using an employee from the Modeling department, Shaun Cusick, to do modeling work right around the time Ms. Shepherd's role was changed. Furthermore, Ms. Shepherd also was required to train another employee, Haven Cousins, to do modeling work for the Character Simulation department when her own modeling work was being taken away.

28. Defendant Stichweh's verbal abuse and intimidation of Ms. Shepherd continued unabated. By way of example only, Mr. Stichweh said that a "monkey" could do her new Technical Director job, called her an "idiot," and repeatedly threatened Ms. Shepherd with termination.

29. Defendant Stichweh also ignored Ms. Shepherd's other concerns about the work environment among the Character Simulation team at Blue Sky. By way of example only, he dismissively told her to "get headphones" when she expressed discomfort about a loud conversation between male coworkers about the use of anti-rape female condoms in South Africa around the time of the 2010 World Cup.

30. Defendant Stichweh's unlawful harassment and retaliation continued to escalate over the course of July 2010, to the point where he routinely used profane and obscene language towards Ms. Shepherd. By way of example only, Defendant Stichweh told Ms. Shepherd on one

occasion that “you are a stupid, naïve fuck if you think I can’t do what I want.” After this incident, in addition to other similar outbursts, Ms. Shepherd began to fear for her safety.

31. In spite of these impossible working conditions, in addition to the tremendous challenge of having to teach herself an entirely new set of job skills as a Technical Director, Ms. Shepherd continued to complete her assignments and do her job well.

IV. Ms. Shepherd’s August 2010 Complaint to Human Resources and the Company’s Unlawful Retaliation against Her

32. With her career and possibly her safety in jeopardy, Ms. Shepherd could not wait any longer for Human Resources to intervene in the situation. In addition to her June 2010 reciprocal review of Defendant Stichweh, she had told her team’s former Coordinator, Jennifer Kegel, about Defendant Stichweh’s hostile conduct and how he did not treat the team’s male employees in the same harsh way. After taking these actions, Ms. Shepherd hoped for action by the Company regarding Defendant Stichweh’s unlawful conduct, in spite of being told to “mind her own business” by Ms. Kegel. The Company did nothing.

33. In early August 2010, Ms. Shepherd approached Heather Stewart, Blue Sky’s Director of Human Resources, about Defendant Stichweh’s improper and unlawful behavior. Despite the very serious, complicated and detailed allegations Ms. Shepherd raised to Ms. Stewart during that first meeting and several other follow-up meetings, Ms. Stewart failed to take any notes. When Ms. Shepherd asked about this, Ms. Stewart claimed that the Company did not handle employee complaints of discrimination and harassment by recording them in writing.

34. Ms. Stewart further told Ms. Shepherd that what occurs on Blue Sky’s production floor “is none of the Human Resources Department’s business,” and that if Ms. Shepherd had an issue with something happening on her team she should bring it to the attention of her supervisor, Defendant Stichweh or the department’s new Coordinator, Jacob Carlson.

Additionally, Ms. Stewart said that Ms. Shepherd should just walk away if she was verbally assaulted by Defendant Stichweh again.

35. The refusal by the Human Resources department to assist or protect Ms. Shepherd from further harassment and abuse constituted retaliation against Ms. Shepherd by Defendants. Furthermore, though Ms. Stewart performed a purported investigation of Ms. Shepherd's allegations, she inexplicably neglected to interview at least two of the witnesses named by Ms. Shepherd during the meetings in which she reported Defendants' unlawful conduct to the Company. Under these circumstances, it is no surprise that Ms. Stewart claimed that she "could not corroborate" Ms. Shepherd's allegations concerning harassment by Defendant Stichweh.

36. The harassment and unlawful retaliation against Ms. Shepherd continued after Ms. Stewart's August 2010 investigation. By way of example only, after returning to the office from an approved doctor's appointment on or around the morning of September 20, 2010, Ms. Shepherd was told to produce a note to Assistant Coordinator Rachel Richmond in order to prove she went to the appointment. Company policy, however, requires a note explaining an employee's absence only after four consecutive days out of work. Following Ms. Stewart's investigation, Defendant Stichweh subjected Ms. Shepherd to the silent treatment during long stretches of time and refused to see her regarding work assignments, which undermined her ability to do her job.

37. The Company further unlawfully retaliated against Ms. Shepherd by offering her an inappropriate reassignment outside the Character Simulation team. The proffered transfer would have constituted a demotion and have placed Ms. Shepherd in an unsuitable administrative paperwork position in the Scene Assembly department, and would have lasted only three weeks, after which she would not have been able return to the Character Simulation

team, resulting in her termination. Ms. Shepherd rejected this clearly inappropriate and retaliatory transfer.

38. In the meantime, the Company rejected Ms. Shepherd's application for a job in the Layout department. The Company's failure to find an adequate alternate position for Ms. Shepherd was also retaliatory due to the existence of plentiful modeling work at the Company at the time, for which Ms. Shepherd's established skills could have been put to use.

39. In November 2010, Defendants increasingly began to target Ms. Shepherd for capricious criticism and harsh treatment. For example, Mr. Carlson claimed that Ms. Shepherd took unauthorized vacation days around Thanksgiving and Christmas 2010, although all of the days previously had been approved by him. On both occasions, Mr. Carlson had either failed to prepare formal paperwork or chose to disregard the fact that he had previously approved the days off, in some cases over email.

40. Defendants have also pressured Ms. Shepherd on other everyday matters as well, and have treated her differently from other employees on her team, nearly all of whom are male. By way of example only, on or around February 9, 2011, Mr. Carlson told Ms. Shepherd that she would have to "make up" approved time she spent out of the office for a doctor's appointment. This has not been Company policy and, to Ms. Shepherd's knowledge, has not been required of any other team member.

41. Defendant Stichweh also began, in late 2010, to target Ms. Shepherd by excessively scrutinizing of her work product. On or around December 1, 2010, Ms. Shepherd suddenly received a negative performance evaluation for the previous six-month period. This was the first negative criticism of her work performance that she had received at the Company, after over 18 months with the Company and five months in her new position. She was given no advance notice of the timing or subject of her meeting with Defendant Stichweh and Mr. Carlson

regarding this evaluation, in which Mr. Carlson called Ms. Shepherd a “liar” and “paranoid,” and Defendant Stichweh spent much of the time yelling at Ms. Shepherd. Both of them also threatened Ms. Shepherd with termination, and demanded to see her work notes. Furthermore, Ms. Shepherd was relegated to performing supposed training exercises, and her remaining Technical Director projects and responsibilities were taken away and reassigned to other employees.

42. Ms. Shepherd sought assistance from Ms. Stewart of Human Resources twice more in or around November and December 2010 in connection with the rising unlawful harassment and retaliation by Defendants. Upon information and belief, the Company took no action to alleviate the harassment and unlawful retaliation to which Ms. Shepherd was being subjected, and the discriminatory and unlawful conduct continued.

43. Ms. Shepherd also called the Company’s Alertline employee hotline number on or around January 5, 2011 to report Defendants’ unlawful discrimination, harassment and retaliation, to no avail.

44. Ms. Shepherd was interviewed by phone by Ms. McDermott of the 20th Century Fox Human Resources department on or around January 2011. Ms. McDermott’s questions, however, focused on whether Ms. Shepherd had engaged in romantic relationships with any Company employees other than Defendant Stichweh. The balance of Ms. McDermott’s questions focused not on Ms. Shepherd’s serious allegations regarding unlawful retaliation, but instead on issues raised by her managers concerning her vacation time. Later, on or around January 21, 2011, Ms. Shepherd met with 20th Century Fox Human Resources Manager Rob McClary, whose questions also revolved around her supposed violation of Company policy regarding holiday and vacation time, which Ms. Shepherd vehemently denies.

V. **The Ongoing Retaliation and Unlawful Discrimination Against Ms. Shepherd**

45. For the first few months of 2011, Ms. Shepherd's responsibilities were reduced to duplicating already-completed shots for a film, "Rio," that was no longer in production, even though Ms. Shepherd previously had been assigned to work on the Company's upcoming films, such as "Ice Age 4." From around January 6, 2011 until around May 2011, Ms. Shepherd did not receive any substantive work in connection with the Company's current projects, and instead was made to complete a series of test assignments with the supposed purpose of evaluating her job skills in a position to which she was arbitrarily reassigned only months before.

46. Despite satisfactorily completing these onerous tests, Ms. Shepherd continues to be the target of unlawful treatment and scrutiny by the Company and 20th Century Fox. Ms. Shepherd pleaded with Mr. Carlson for an explanation of why she was denied new assignments, and for an opportunity to meet so she could present her ideas about expanding her skill set and get a detailed account of the goals of the training. Mr. Carlson stonewalled for weeks, telling Ms. Shepherd that this would be discussed only with "HR present."

47. Ms. Shepherd has been told by Human Resources before various meetings that she is not permitted to speak freely, particularly in front of Mr. Carlson, regarding her past relationship with Defendant Stichweh, and that if she does so her job will be in jeopardy. By way of example only, this occurred on or about February 11, 2011, before Ms. Shepherd met with Defendant Stichweh, Mr. Carlson, and Mr. McClary. Under this threat and restriction, Ms. Shepherd had to navigate a meeting with senior personnel from the Company and 20th Century Fox, during which she learned that the retaliatory training/performance improvement plan had been extended after she had already undergone weeks of supposed evaluation.

48. Significantly, the only other employee required to undergo similar tests to those imposed on Ms. Shepherd is Lauren Carr, who also is the only other female employee on Defendant Stichweh's Character Simulation team.

49. In or around May 2011, the Company transferred Ms. Shepherd out of Defendant Stichweh's Character Simulation department and back into the Modeling department, where she has received very positive feedback on her performance.

50. In spite of this transfer, however, the Company continues to treat Ms. Shepherd differently from her co-workers. By way of example only, Company representatives have told Ms. Shepherd that her name was to be removed entirely from the Company's website rather than moved from the old department to the new department, that her assignment to the Modeling department is temporary, and that she should not submit requests for paid time off through the Company's electronic system, as other employees do, but rather needs to submit her vacation request to the department Coordinator and separately obtain approval from her supervisor and three Human Resources officials.

51. By way of further example of Defendants' continuing unlawful retaliation, the Company has declined to provide Ms. Shepherd with a performance evaluation for 2011, and thereby has denied her an opportunity to receive a pay raise for the current year.

52. As a result of Defendants' unlawful gender discrimination, sexual harassment, and retaliation, Ms. Shepherd has suffered, and continues to suffer, severe emotional distress.

53. As a result of the emotional stress she has suffered, Ms. Shepherd's now under the care of a psychologist, and she also was recently diagnosed with an ulcer.

54. Defendants' acts of discrimination, harassment and retaliation against Ms. Shepherd, as well as the Company's and 20th Century Fox's failure to take any meaningful action to end those unlawful acts, were wanton, reckless, and intentional.

AS AND FOR A FIRST CAUSE OF ACTION
(Discrimination and Harassment in Violation of
New York State Human Rights Law against All Defendants)

55. Plaintiff hereby repeats and re-alleges each and every allegation as contained in each of the preceding paragraphs as if fully set forth herein.

56. Defendants have discriminated against Plaintiff and subjected her to harassment on the basis of her sex (female) in violation of the New York State Human Rights Law by denying to her equal terms and conditions of employment, including but not limited to, subjecting her to disparate working conditions and denying her the opportunity to work in an employment setting free of unlawful discrimination and harassment.

57. Defendants have discriminated against Plaintiff and subjected her to harassment on the basis of her sex (female) in violation of the New York State Human Rights Law by fostering, condoning, accepting, ratifying and/or otherwise failing to prevent or to remedy a hostile work environment that has included, among other things, acts of violence, physical intimidation and verbal abuse of Plaintiff by Defendant Stichweh.

58. As a direct and proximate result of Defendants' unlawful and discriminatory conduct in violation of the New York State Human Rights Law, Plaintiff has suffered, and continues to suffer, monetary and/or economic damages, including but not limited to loss of past and future income, compensation and benefits for which she is entitled to an award of monetary damages and other relief.

59. As a direct and proximate result of Defendants' unlawful and discriminatory conduct in violation of the New York State Human Rights Law, Plaintiff has suffered, and

continues to suffer, severe mental anguish and emotional distress, including, but not limited to, depression, humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence, and emotional pain and suffering for which she is entitled to an award of damages.

AS AND FOR A SECOND CAUSE OF ACTION
(Retaliation in Violation of New York State Human Rights Law
against All Defendants)

60. Plaintiff hereby repeats and re-alleges each and every allegation as contained in each of the preceding paragraphs as if fully set forth herein.

61. Defendants have retaliated against Plaintiff in violation of the New York State Human Rights Law for her repeated complaints of discrimination, harassment and retaliation by, *inter alia*, subjecting Plaintiff to acts of violence and intimidation, altering her job responsibilities from modeling work in which she was experienced to character simulation work in which she had no experience, failing to respond to her complaints regarding the conduct of Defendant Stichweh and Mr. Carlson, micromanaging her work, creating a purported training program for Plaintiff that Defendants expected her to be unable to complete in order to justify her termination, requiring Plaintiff to adhere to an extraordinary approval process for using vacation days, denying her a performance evaluation and opportunity for a pay raise, and otherwise interfering with the performance of her job.

62. As a direct and proximate result of Defendants' unlawful retaliatory conduct in violation of the New York State Human Rights Law, Plaintiff has suffered, and continues to suffer, monetary and/or economic harm for which she is entitled to an award of monetary damages and other relief.

63. As a direct and proximate result of Defendants' unlawful retaliatory conduct in violation of the New York State Human Rights Law, Plaintiff has suffered, and continues to suffer, severe mental anguish and emotional distress, including, but not limited to, depression,

humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence, emotional pain and suffering, as well as physical injury, for which she is entitled to an award of monetary damages and other relief.

AS AND FOR A THIRD CAUSE OF ACTION
**(Aiding and Abetting Violations of New York State Human Rights Law
against Defendant Stichweh Only)**

64. Plaintiff hereby repeats and re-alleges each and every allegation as contained in each of the preceding paragraphs as if fully set forth herein.

65. Defendant Stichweh knowingly or recklessly aided and abetted the unlawful employment practices, gender discrimination, harassment and unlawful retaliation committed against Plaintiff in violation of the New York State Human Rights Law by actively participating in the unlawful conduct set forth above.

66. As a direct and proximate result of Defendant Stichweh's unlawful discrimination, harassment and retaliation against Plaintiff in violation of the New York State Human Rights Law, Plaintiff has suffered, and continues to suffer, monetary and/or economic damages, including, but not limited to, loss of past and future income, compensation and benefits for which she is entitled to an award of monetary damages and other relief.

67. As a direct and proximate result of Defendant Stichweh's unlawful discrimination and retaliation against Plaintiff in violation of the New York State Human Rights Law, Plaintiff has suffered, and continues to suffer, severe mental anguish and emotional distress, including, but not limited to, depression, humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence, and emotional pain and suffering for which she is entitled to an award of monetary damages and other relief.

AS AND FOR A FOURTH CAUSE OF ACTION
**(Discrimination and Harassment in Violation of New York City Human Rights Law
against All Defendants)**

68. Plaintiff hereby repeats and re-alleges each and every allegation as contained in each of the preceding paragraphs as if fully set forth herein.

69. Defendants have discriminated against Plaintiff and subjected her to harassment on the basis of her sex (female) in violation of the New York City Human Rights Law by denying to her equal terms and conditions of employment, including but not limited to, subjecting her to disparate working conditions and denying her the opportunity to work in an employment setting free of unlawful discrimination and harassment.

70. Defendants have discriminated against Plaintiff and subjected her to harassment on the basis of her sex (female) in violation of the New York City Human Rights Law by fostering, condoning, accepting, ratifying and/or otherwise failing to prevent or to remedy a hostile work environment that has included, among other things, acts of violence, physical intimidation and verbal abuse of Plaintiff.

71. As a direct and proximate result of Defendants' unlawful and discriminatory conduct in violation of the New York City Human Rights Law, Plaintiff has suffered, and continues to suffer, monetary and/or economic damages, including, but not limited to, loss of past and future income, compensation and benefits for which she is entitled to an award of monetary damages and other relief.

72. As a direct and proximate result of Defendants' unlawful and discriminatory conduct in violation of the New York City Human Rights Law, Plaintiff has suffered, and continues to suffer, severe mental anguish and emotional distress, including, but not limited to, depression, humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-

confidence, and emotional pain and suffering for which she is entitled to an award of monetary damages and other relief.

73. Defendants' unlawful and discriminatory actions constitute malicious, willful and wanton violations of the New York City Human Rights Law for which Plaintiff is entitled to an award of punitive damages.

AS AND FOR A FIFTH CAUSE OF ACTION
**(Retaliation in Violation of New York City Human Rights Law
against All Defendants)**

74. Plaintiff hereby repeats and re-alleges each and every allegation as contained in each of the preceding paragraphs as if fully set forth herein.

75. Defendants have retaliated against Plaintiff in violation of the New York City Human Rights Law for her repeated complaints of discrimination, harassment and retaliation by, inter alia, subjecting Plaintiff to violence and intimidation, altering her job responsibilities from modeling work in which she was experienced to character simulation work in which she had no experience, failing to respond to her complaints regarding the conduct of Defendant Stichweh and Mr. Carlson, micromanaging her work, creating a purported training program for Plaintiff that Defendants expected her to be unable to complete in order to justify her termination, requiring Plaintiff to adhere to an extraordinary approval process for using vacation days, denying her a performance evaluation and opportunity for a pay raise, and otherwise interfering with the performance of her job.

76. As a direct and proximate result of Defendants' unlawful retaliatory conduct in violation of the New York City Human Rights Law, Plaintiff has suffered, and continues to suffer, monetary and/or economic harm for which she is entitled to an award of monetary damages and other relief.

77. As a direct and proximate result of Defendants' unlawful retaliatory conduct in violation of the New York City Human Rights Law, Plaintiff has suffered, and continues to suffer, severe mental anguish and emotional distress, including, but not limited to, depression, humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence, emotional pain and suffering, as well as physical injury, for which she is entitled to an award of monetary damages and other relief.

78. Defendants' unlawful and discriminatory and retaliatory actions were intentional, done with malice, and/or showed deliberate indifference to Plaintiff's rights under the New York City Human Rights Law, for which Plaintiff is entitled to an award of punitive damages.

AS AND FOR A SIXTH CAUSE OF ACTION
**(Aiding and Abetting Violations of New York City Human Rights Law
against Defendant Stichweh Only)**

79. Plaintiff hereby repeats and re-alleges each and every allegation as contained in each of the preceding paragraphs as if fully set forth herein.

80. Defendant Stichweh knowingly or recklessly aided and abetted the unlawful employment practices, discrimination, harassment and unlawful retaliation against Plaintiff in violation of the New York City Human Rights Law by actively participating in the unlawful conduct set forth above.

81. As a direct and proximate result, Plaintiff has suffered, and continues to suffer, monetary and/or economic damages, including, but not limited to, loss of past and future income, compensation and benefits for which she is entitled to an award of monetary damages and other relief.

82. As a direct and proximate result, Plaintiff has suffered, and continues to suffer, severe mental anguish and emotional distress, including, but not limited to, depression, humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence,

emotional pain and suffering, as well as physical injury, for which she is entitled to an award of monetary damages and other relief.

83. Defendant Stichweh's unlawful actions constitute malicious, willful and wanton violations of the New York City Human Rights Law for which Plaintiff is entitled to an award of punitive damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that the Court enter judgment in her favor and against Defendants, containing the following relief:

A. A declaratory judgment that the actions, conduct and practices of Defendants complained of herein violate the laws of the State of New York and the City of New York;

B. An injunction and order permanently restraining Defendants from engaging in such unlawful conduct;

C. An award of damages in an amount to be determined at trial, plus prejudgment interest, to compensate Plaintiff for all monetary and/or economic damages;

D. An award of damages in an amount to be determined at trial, plus prejudgment interest, to compensate Plaintiff for all non-monetary and/or compensatory damages, including but not limited to, compensation for her severe mental anguish and emotional distress, humiliation, embarrassment, stress and anxiety, loss of self-esteem, self-confidence and personal dignity, and emotional pain and suffering and any other physical and mental injuries;

E. An award of damages to be determined at trial, plus prejudgment interest, to compensate Plaintiff for harm to her professional and personal reputations and loss of career fulfillment;

F. An award of punitive damages;

G. An award of costs that Plaintiff has incurred in this action, as well as Plaintiff's reasonable attorneys' fees to the fullest extent permitted by law; and

H. Such other and further relief as the Court may deem just and proper.

JURY DEMAND

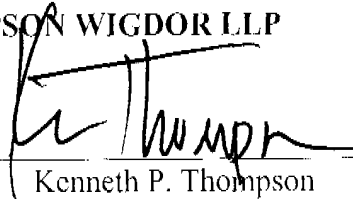
Plaintiff hereby demands a trial by jury on all issues of fact and damages stated herein.

Dated: New York, New York
October 4, 2011

Respectfully submitted,

THOMPSON WIGDOR LLP

By: _____



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Lawrence M. Pearson

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Telephone: 212.257.6800
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Attorneys for Plaintiff Heather Shepherd

VERIFICATION

State of New York)
)
County of New York)

HEATHER SHEPHERD, being duly sworn, states:

I am a plaintiff in the action herein. I have read the annexed VERIFIED COMPLAINT, know the contents thereof and the same are true to the best of my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.



HEATHER SHEPHERD

Sworn to before me
this 4th day of October, 2011



NOTARY PUBLIC

LAWRENCE MICHAEL PEARSON
Notary Public, State of New York
No. 02PE6225600
Qualified in New York County
Commission Expires July 26, 2014

Index No.

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

HEATHER SHEPHERD,	X	
	:	
Plaintiff,	:	
	:	Index No.
-against-	:	
	:	
BLUE SKY STUDIOS, INC., TWENTIETH CENTURY FOX FILM CORPORATION, and KEITH STICHWEH, in his individual and official capacities,	:	
	:	
Defendants.	:	
	:	
	X	

VERIFIED SUMMONS AND COMPLAINT

THOMPSON WIGDOR LLP

85 Fifth Avenue
New York, New York 10003
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*Attorneys for Plaintiff Heather
Shepherd*