

OPEN LETTER

FROM: VANINA GUERRERO
TO: ROGER MELTZER AND JAY RAINS, CO-CHAIRS DLA PIPER
DATE: OCTOBER 2, 2019
RE: WOMEN'S RIGHTS AT DLA PIPER

Dear Mr. Meltzer and Mr. Rains,

I write to ask that you voluntarily release me from mandatory arbitration at DLA Piper. No female working at DLA Piper, whether she works as an administrative assistant, paralegal, departmental staff employee, associate lawyer, contract lawyer, of counsel lawyer, contract partner or equity partner should be forced to litigate claims involving sexual assault and battery or sexual harassment by male lawyers in secret. I experienced such horrific conduct at the hands of a senior male partner and deserve to openly litigate my claims. Female employees at DLA Piper deserve to know about what happened and have access to court filings during my litigation.

Joining DLA Piper

In September 2018, I joined DLA Piper as a junior partner to work in its Silicon Valley US Emerging Growth and Venture Capital practice. I was recruited by and work for Louis Lehot, the co-chair of this practice and the co-managing partner of the Silicon Valley office. Mr. Lehot is a top rainmaker, responsible for bringing in fees over 20 million annually. DLA Piper credits Mr. Lehot for securing its position as a top ranked global leader in deal volume and technology M&A.

Less than two weeks into my new job working for Mr. Lehot, I suffered his first sexual assault. This happened in his hotel room on a business trip to Shanghai. I suffered the second assault several weeks later during a business trip to Brazil. By November 2018, I had endured two more sexual assaults, one in Chicago and one in Palo Alto. Having moved my two toddlers and husband that I support financially from Hong Kong to California for this job, I was petrified to believe what was happening to me, much less tell anyone. Mr. Lehot's extreme temper and angry tirades that include shouting and clenching his fists are common knowledge at the office. Lawyers, staff and admin assistants do everything possible to avoid his wrath. My many attempts to fend off Mr. Lehot's sexual advances failed. Mr. Lehot controls my work and my ability to advance. When I dared to tell him to stop, Mr. Lehot would refuse to speak to me for weeks, threaten to take me off of client deals, and accuse me of underperformance. Horrifically, I later learned that he suggested to numerous men at the Firm, and to certain clients, that he and I were involved in a consensual relationship. After months of Mr. Lehot's relentless campaign

and physical advances, I began experiencing panic attacks and stress related medical conditions that landed me in the emergency room several times.

I went from working in Hong Kong as general counsel and the top female executive at a global tech company to being abused by Mr. Lehot. During my entire career I was known for my intellect, tenacity and confidence. In less than nine months at DLA Piper under Mr. Lehot, I became a shell of my former self – a woman who Mr. Lehot regularly told me could only get clients because I was attractive. For months I told Sang Kim, a co-managing partner of the Northern California offices that Mr. Lehot was terrorizing me. I even asked Mr. Kim if I would have his support if Mr. Lehot's retaliation against me continued. After the panic attacks started, I again reached out to Mr. Kim. I believed, naively, that he would do the right thing and help me. In July, I broke down and told Mr. Kim about Mr. Lehot's specific conduct. Shockingly, he responded by saying that it sounded like a "he said, she said" situation and that the best way to resolve it was for me to "talk it out" with Mr. Lehot and three other senior partners – all men. *Just days later*, Mr. Kim took me off one of the practice's largest deals.

Through my lawyers, in early August I sent DLA Piper extensive details about what happened to me. Sadly, for two months DLA Piper has done nothing other than retaliate against me and try to shame me for speaking out. DLA Piper left me no option but to send this open letter and attach my charge filed with the Equal Employment Opportunity Commission. I can no longer be silent about what Mr. Lehot has done and the retaliation hurled at me for notifying DLA Piper of my protected claims.

Forced Arbitration Perpetuates Violence Against Female Employees

Physical violence against women is abhorrent. Physical violence against female employees in the workplace is abhorrent but preventable. Equally abhorrent is retaliating against female employees that dare speak out. In 2019, no female employee should experience what I have endured this past year. If I am terrified to speak out and have the title of equity partner, imagine what younger female associates or employees feel? If DLA Piper wants to label itself a global leader among law firms – there is only one decision:

Release me from forced arbitration and allow me to assert my civil claims for assault, battery, sexual harassment and retaliation in our transparent court system.

If you deny me access to court, it will be the women of DLA Piper who pay the consequences. Arbitration protects the people in power at the expense of those less powerful. Men control DLA Piper. Men control the critical management positions, lead the most lucrative practice groups and committees, and earn substantially more money than women, most especially at the equity partner level. Shielding men from accountability incentivizes and perpetuates sexual violence

and other unlawful harassment against female employees regardless of their position at DLA Piper.

At the age of 4 I immigrated to the US from Colombia. As a child, I helped my parents clean offices, including sinks and toilets, and distribute newspapers to make ends meet. I worked tirelessly to attend college and then law school. I speak five languages. I worked as a successful corporate lawyer for top global companies on Wall Street, and in Paris, Hong Kong, Beijing, Tanzania and India. I excelled and thrived, even in these male dominated spaces. Only after joining DLA Piper's Silicon Valley practice and being subjected to Mr. Lehot's unlawful behavior, have I suffered such humiliation and harm simply because of my gender. I implore you to do the right thing and take a stand against a practice that everyone knows is wrong and allow me to litigate my claims in court.

Jeanne M. Christensen
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VIA FEDERAL EXPRESS

Roberta Steele, Esq.
Regional Attorney
U.S. Equal Employment Opportunity Commission
96 North Third Street, Suite 250
San Jose, CA 95112

Re: Supplement to the Charge: Vanina Guerrero

Dear Ms. Steele:

Please allow the following to serve as the supplement to the charge filed by Claimant Vanina Guerrero (“Claimant”) against Respondents DLA Piper LLP (US) (“DLA Piper” or the “Firm”) and certain individual Partners, including, *inter alia*, Louis Lehot (“Respondents”). As detailed below, Ms. Guerrero has claims under federal law for gender discrimination, including *quid pro quo* and hostile environment sexual harassment, as well as retaliation.¹

PRELIMINARY STATEMENT

Claimant is a Partner in the Silicon Valley corporate practice group of DLA Piper. Before joining DLA Piper in September 2018, Claimant worked as a corporate general counsel in Hong Kong for four years, and before that, worked at firms in New York, Beijing, Hong Kong and Paris. In September 2017, while in Hong Kong, Louis Lehot, a senior partner at DLA Piper, approached Ms. Guerrero about joining the Firm and working for him in Palo Alto, California. After months of discussion with Mr. Lehot about the opportunity and based on multiple representations he made about the Partner position, Ms. Guerrero accepted.

In July 2018, Ms. Guerrero uprooted her husband and two young children from Hong Kong to move 7000 miles to Palo Alto because she believed Mr. Lehot’s promises. Unfortunately, from the moment she arrived at the Firm, Mr. Lehot made his sexual feelings for her known. During their first international business trip in September 2018, Mr. Lehot disclosed his sexual desires. Unable to take “no” for an answer, Mr. Lehot sexually assaulted Ms. Guerrero in his hotel room in Shanghai. During a subsequent business trip a couple of weeks later, Mr. Lehot sexually assaulted Ms. Guerrero again.

¹ Under parallel state laws, Ms. Guerrero has claims for gender discrimination and retaliation. Additionally, she has viable claims for civil assault and battery.

Mr. Lehot subjected Ms. Guerrero to horrific conduct over the next ten months during which she repeatedly was forced to reject his advances, only to experience Mr. Lehot's unlawful retaliation. In a disturbing pattern, after Mr. Lehot retaliated against her for days and sometimes weeks after she rejected him, he would "forgive" Ms. Guerrero for her rebuffs and acted professionally again. Such periods of normal behavior were short lived. Inevitably, Mr. Lehot would make sexual advances. Ms. Guerrero was forced to reject him. Predictably, Mr. Lehot would retaliate and the cycle would begin again.

Less than a year after starting at DLA Piper, Ms. Guerrero's projected career path was in shatters having been subjected to Mr. Lehot's cycle of advances, humiliations and denigrations on multiple occasions. Although Mr. Lehot's behavior was common knowledge among employees, including other partners in the Palo Alto office, no one interjected to stop Mr. Lehot or to remedy the situation. In fact, shockingly, senior male partners failed to credit Ms. Guerrero's allegations about what Mr. Lehot had done and was continuing to do to her. Rather than disciplining Mr. Lehot or removing him from the group, these men, including Partners Sang Kim, Eric Wang, and Brad Gersich, opted to marginalize what happened and horrifically – did nothing.

Disturbingly, Mr. Kim, one of DLA's most powerful partners serving on the Firm's Global Board, US Executive Committee and National Diversity and Inclusion Executive Board and the Managing Partner of Northern California, fabricated a reason to remove Ms. Guerrero from a valued account just days after learning specific details about her claims regarding Mr. Lehot. Mr. Kim also bluntly told Ms. Guerrero that she was lying and that this was clearly a case of "she said, he said." No reasonable lawyer in Ms. Guerrero's situation could be expected to perform to the Firm's expectations, much less excel as a Partner, when senior lawyers in her office refuse to believe that Mr. Lehot subjected her to sexual assault and battery on more than one occasion. As detailed below, it is unfathomable that a global law office such as DLA Piper would knowingly and intentionally continue to allow Mr. Lehot to be an equity partner, and further, force Ms. Guerrero to continue to report to him if she wants to remain a partner at DLA Piper.

FACTUAL ALLEGATIONS

I. Louis Lehot Induces Vanina Guerrero to Join DLA Piper and Immediately Subjects Her to Harm

Ms. Guerrero is an exemplary attorney. After graduating from law school in 2003 and working for a year in New York, in 2004 she moved to the Paris office of Shearman & Sterling ("Shearman"), where she met Mr. Lehot, who was a senior associate there. Before Mr. Lehot left Shearman in August 2005, he and Ms. Guerrero performed work for several of the same clients. Although Mr. Lehot's reputation among associates at Shearman was that of a bully, his behavior at that time was professional towards Ms. Guerrero. In the following years, Ms. Guerrero's work took her to Beijing, Tanzania and eventually to Hong Kong in 2014, where she worked until July 2018 as

Global General Counsel for Reliance Communication and Global Cloud Xchange (“Reliance Communication”).

Married in Paris in 2004, Ms. Guerrero and her husband have two young children. Already fluent in Spanish, during her career Ms. Guerrero became fluent in French and Mandarin. By all measures, Ms. Guerrero’s drive, talent and tireless work ethic is exceptional. For the last sixteen years, she has tracked on an upward trajectory and repeatedly earned the respect and praise of her peers and superiors. It is against this backdrop of her unique international in-house and private practice experience that Mr. Lehot induced Ms. Guerrero to uproot her family, move back to the U.S., join the Firm and work directly for him.

On September 20, 2017, Mr. Lehot sent Ms. Guerrero an email to say that he would be in Hong Kong over the next few days and he wanted to have dinner. Having periodically kept in touch with Mr. Lehot over the years, Ms. Guerrero agreed. They met for dinner on September 22, 2017. Ms. Guerrero was not looking to leave Hong Kong, much less move to California. In Hong Kong, she and her family enjoyed a comfortable, high quality of life and her work was rewarding. At dinner, Mr. Lehot asked Ms. Guerrero pointed personal questions, including about her “happiness” level with her husband. Mr. Lehot knew that Ms. Guerrero supported the family and that her husband did not work. He used this opportunity to suggest that Ms. Guerrero could “do better” and laid the groundwork for what would be a recurring theme for Mr. Lehot’s manipulation of her – messaging that her husband was a “burden” and “ball and chain” that impeded Ms. Guerrero’s success.

After this dinner, Mr. Lehot pitched hard for Ms. Guerrero to consider working for him at the Firm. He promised that she would be a part of his four-partner nucleus and share in his \$22 million book of business. He told her that he knew it took years for a junior partner to ramp up, but that he would help her with originations to speed up this process. Knowing how far her salary in Hong Kong went, he promised her \$1 million her first year at the Firm. Desperate to recruit Ms. Guerrero, Mr. Lehot made numerous promises about a future firm where he and Ms. Guerrero would work as partners, going so far as to name it V&L Partners. As part of his pitch, Mr. Lehot repeatedly told Ms. Guerrero that she was a star and that he fully expected her to outpace him, saying “you’ll be my boss soon.”

Mr. Lehot is a man who is used to getting what he wants. It took months and a number of in person meetings in the U.S., but eventually Mr. Lehot sold Ms. Guerrero on his promises. Formal negotiations with the Firm began in early spring 2018, and Ms. Guerrero agreed to sit for the bar in July 2018 and start at the Firm in September.²

² Unexpectedly, because of Reliance Communications’ financial issues, bondholders threatened lawsuits against the company in late spring 2018 and Ms. Guerrero was not able to stop working to study for the California bar. Despite making it clear that she could not study, Mr. Lehot placed enormous pressure on Ms. Guerrero to sit for the exam and told her that he had placed his “ass on the line” for her and she would make him look like a “fool” if she did not take it. For this

II. Mr. Lehot's Textbook Predatory Behavior**A. Mr. Lehot's "Temper"**

Mr. Lehot is approaching 50. Yet, he regularly throws temper-tantrums in and out of the office. Unfortunately for employees and Ms. Guerrero, his physicality and vitriol make him a formidable force when he is yelling, swearing, red in the face ranting and clenching his fists. Such classic bullying tactics are effective when left unchecked, and at all relevant times, no one at the Firm has reined in Mr. Lehot. In fact, his temper is so feared that as intended, employees, including Ms. Guerrero were hyper-vigilant about what they said or did not say, effectively silencing themselves before giving Mr. Lehot an opportunity to do so. Proactively silencing complaints through aggressive rants such as Mr. Lehot's is textbook harasser behavior.

B. Repeated Sexual Advances and Sexual Assault

From the moment Ms. Guerrero arrived in California, Mr. Lehot made his intentions clear. By way of example only, in August, before her official start date, Mr. Lehot pressured Ms. Guerrero to drop her married name that she had used since 2004, and professionally use her maiden name, Guerrero. Mr. Lehot was relentless. As expected, this "request" caused an immense amount of friction between Ms. Guerrero and her husband. Mr. Lehot's pressuring tactics included his claims that using the name "Guerrero" would help the "team" score new business based on positive associations with her Colombian nationality. Because Mr. Lehot gets what he wants, Ms. Guerrero and her husband bowed down to his name-changing plan.

In true predator fashion, Mr. Lehot tested his boundaries at the first opportunity. In her first full week at the firm, Ms. Guerrero and a male associate went on a business trip with Mr. Lehot to Shanghai. Not wasting any time, on the flight over Mr. Lehot announced to Ms. Guerrero that he was no longer wearing his wedding band. Speechless, Ms. Guerrero did not know how to respond. In Shanghai, he told her that she needed to change how she dressed. Without asking, Mr. Lehot went out and bought her dresses and shoes.

1. First Sexual Assault

The first night there, Mr. Lehot told Ms. Guerrero that he did not want the male associate to join them, but that she needed to come to his hotel room to discuss business. Mr. Lehot drank a number of glasses of wine. Among other things, he offered Ms. Guerrero a foot massage and before she knew what was happening, he had her lying down on the couch with his body next to her, physically hugging and groping her. Upset and in shock, Ms. Guerrero told him no and ran out of the room.

reason, without preparation, she flew from Hong Kong with her family on July 21, 2018, and sat for the bar just three days later.

Outrageously, the next morning Mr. Lehot made sure that Ms. Guerrero understood that he did not masturbate after she escaped from his room. The following day the group traveled to Hong Kong. Sensing his sexual intentions, Ms. Guerrero avoided being alone for dinner with Mr. Lehot by telling him she felt ill. Although he was visibly mad, her rebuff worked. Because Ms. Guerrero uprooted her family to embark on a new career as promised by Mr. Lehot, she understandably was loath to speak out about what was happening to anyone. In panic and disbelief about what he had done, Ms. Guerrero stayed silent because she naively thought that Mr. Lehot would stop future advances. Unfortunately, the rejection caused Mr. Lehot to cease his horrific conduct only temporarily.

2. Second Sexual Assault

The following week, Ms. Guerrero, two male associates and Mr. Lehot travelled to Brazil. Because of what happened on the trip to Asia, Ms. Guerrero tried several times to get excused from the trip to Brazil, but Mr. Lehot insisted that she go. Once again, Mr. Lehot started in at the first opportunity. Although the four lawyers were slated to sit together, Mr. Lehot bumped he and Ms. Guerrero up to business class to allow him to be alone with her. During the flight, Mr. Lehot became angry that Ms. Guerrero refused to drink alcohol with him. In between anger fits, however, he talked about his “feelings” for her. Ms. Guerrero landed in the plane’s bathroom in tears at the unfair and shocking position that Mr. Lehot placed her in.

Undeterred, Mr. Lehot tested his ability to push Ms. Guerrero’s boundaries throughout the trip. Once again, he insisted that the two male associates could not join them in his hotel room for work or for dinner. Mr. Lehot upgraded his room at the hotel and told Ms. Guerrero it was so that the two of them could work more comfortably. Ms. Guerrero dared to ask him if the associates could work or have dinner with them. Mr. Lehot’s resulting temper outburst caused her to agree to go to dinner with him alone. Mr. Lehot insisted on a romantic restaurant. Mr. Lehot attempted to tell her things about his personal life and she tried to steer the conversation towards work. Ms. Guerrero became so upset at the predicament that she was in and Mr. Lehot’s obvious intent to relentlessly pursue her that she sobbed uncontrollably and they had to leave the restaurant. Back at the hotel, undeterred and seeing her in a vulnerable state, Mr. Lehot insisted that she go to his room for a drink. Horrifically, Mr. Lehot proceeded to engage in the same routine as in Shanghai. He touched and groped her. Trapped, in distress, and aware of his temper, Ms. Guerrero believed the best way to protect herself was to allow his physical assault rather than fight back. Unquestionably, Mr. Lehot has acted with a level of confidence and understanding that his behavior will go unchallenged at DLA Piper.

III. Ongoing Deeply Perverse Conduct by Mr. Lehot

Notably, the events set forth above happened during Ms. Guerrero’s first month at the Firm. No female employee should be forced to experience such harm. Knowing that Ms. Guerrero had uprooted her family, moved to a new city and state, thousands of miles from her family’s social

network and support, Mr. Lehot preyed on what he saw as an opportunity to harm a vulnerable junior female. His relentless unlawful conduct directly impacted her performance and caused Ms. Guerrero to forfeit opportunities that she otherwise would not have missed. By way of example only, after Shanghai and Brazil, Ms. Guerrero opted out of at least four subsequent business trips with Mr. Lehot. Afraid that he would sequester her in a hotel room and physically force himself on her, she believed that not travelling with him was necessary to her physical health, even if it impacted her performance.

By this time, other employees at the Firm had told Ms. Guerrero that Mr. Lehot's former administrative assistant left the Firm because of Mr. Lehot's sexual advances towards her. Employees told Ms. Guerrero that this former female employee told human resources about it, but nothing was done. Understandably, Ms. Guerrero was afraid to tell anyone at the Firm about Mr. Lehot's conduct. Mr. Lehot's unlawful behavior is so ubiquitous that we cannot describe each instance of his predatory conduct. As such, we include a mere summary below of the types of things that Mr. Lehot did and said to Ms. Guerrero over the next ten months and continuing through the present, including, *inter alia*:

- Manipulative badgering and belittling of Ms. Guerrero, including telling her that she was a successful lawyer only because men were attracted to her;
- Mr. Lehot unlawfully refusing to talk, email or text Ms. Guerrero for days after he pointedly asked if they have a "future together" and she said "no" immediately;
- Mr. Lehot threatening to quit the Firm and take all of his clients with him if Ms. Guerrero did not travel with him on business;
- Malicious and premeditated attempts to question her abilities in order to diminish her confidence and increase her reliance on Mr. Lehot, including by falsely claiming that she did or said something "foolish" in front of other lawyers and clients, threatening that she must try harder to learn from him if she wanted to succeed;
- Multiple instances where Mr. Lehot exhibited extreme and unwarranted jealousy about normal, everyday conduct that a professional lawyer would engage in, including the following:
 - At a client gala in Buenos Aires, Mr. Lehot exploded in anger because Ms. Guerrero spoke to other male partners of the Firm outside of Mr. Lehot's presence;

- Specifically, Mr. Lehot berated her for talking to a certain male partner at the Firm, who Mr. Lehot angrily told Ms. Guerrero that was a “no one” and someone that she should “not spend time with” because he was “irrelevant” and “not a rainmaker” like Mr. Lehot; and
- Regular outbursts inflicted on Ms. Guerrero for day to day things such as talking with other male lawyers or clients at events, having lunches or dinners with other male lawyers without Mr. Lehot being present and sharing cabs and car services to events and airports with male lawyers.

As part of Mr. Lehot’s initial and ongoing inducements to get Ms. Guerrero to work for him, he often told her that she had a “future” with him beyond the Firm in the form of a “partnership” that would bring in more than \$50 million in business annually. He manipulated conversations to force Ms. Guerrero to talk about future work “after DLA Piper” where she would have true success and wealth, thanks to Mr. Lehot. Using words such as “mission” and “empire,” Mr. Lehot coerced her into discussions about an illusory future partnership he called “V&L Partners.” Mr. Lehot used these conversations to segue into his sexual desire of Ms. Guerrero and to turn the conversation towards sexually explicit topics.

It is not possible to include all of the sexually charged statements that Mr. Lehot made or discussions he tried to engage her in. By way of example only, the below examples concern statements Mr. Lehot made about other partners at DLA Piper or about Firm clients:

- Regarding another senior male member of the Silicon Valley practice, Mr. Lehot told Ms. Guerrero that this male partner had an affair with a female client while he was married and suffered depression after ending it;
- Regarding another senior male partner, Mr. Lehot told Ms. Guerrero that he sleeps with women left and right and does business out of strip clubs;
- Regarding another senior male partner, Mr. Lehot told Ms. Guerrero that his wife had cheated on him and that he was taking medication as a result;
- Regarding a senior male partner in one of DLA Piper’s foreign offices, Mr. Lehot told Ms. Guerrero on numerous occasions that this partner constantly sleeps with prostitutes at events. By way of example only, one such event was the Riverwood event in Miami. Mr. Lehot started making comments about this senior male partner after Ms. Guerrero said that she respected his work;

- Regarding a senior male partner in one of DLA Piper's other foreign offices, Mr. Lehot told Ms. Guerrero that he had set up an "entire night of women and fun" for all the male partners at a Chile IBA conference event. Mr. Lehot added that he told this senior male partner he could not partake because Mr. Lehot was with Ms. Guerrero and that senior male partner was "annoyed" because she was there;
- Mr. Lehot told her that certain male partners asked Mr. Lehot multiple times if he wanted to "look through headshots of women" to spend time at night with while there;
- Regarding several senior male executives who worked for some of the Silicon Valley group's largest clients, among other things, Mr. Lehot told Ms. Guerrero that certain of these men receive blow jobs at parties, engage in orgies with multiple women, hire senior women that they are attracted to, and that one male executive was a regular with prostitutes.

IV. Continued Sexual Advances and Retaliation for Rejecting Mr. Lehot

A. Chicago Assault

Mr. Lehot's overt sexual advances and acts that constitute sexual assaults were numerous. In addition to the incidents detailed above, at an event in Chicago, Mr. Lehot again induced Ms. Guerrero into his hotel under the pretense of his need to work with her in his room. Once in his room, Mr. Lehot abruptly, in the middle of a conversation, jumped on Ms. Guerrero who was sitting on the couch and forcibly put his hand on her neck and tried to kiss her while simultaneously playing with the zipper of his pants. In the middle of his heavy breathing and hissing, he said to Ms. Guerrero "I don't want to wait anymore, look, the bed is right there, let's have an affair."

Shocked and terrified, Ms. Guerrero pushed him off her. Mr. Lehot then forcibly asked "then why did I even come to Chicago? I introduced you to the powerful partners already." Once again, Ms. Guerrero made clear that under no circumstances would she ever be involved sexually with Mr. Lehot. Mr. Lehot exploded in anger at Ms. Guerrero. Outrageously, because of her rejection, Mr. Lehot left Chicago before the conference was over. Disgustingly, during another business trip, Mr. Lehot told Ms. Guerrero that at a conference held in Chicago the year before, a young diverse female associate at DLA Piper "lured" Mr. Lehot into her hotel room for purposes of her professing her alleged "love" for Mr. Lehot. Such an account was distressing to Ms. Guerrero, not only because she knew who this young female lawyer was, and that she was about 20 years younger than Mr. Lehot and reported to him, but she also knew that this young female associate unexpectedly left DLA Piper shortly after Ms. Guerrero joined the Firm.

Ms. Guerrero strongly suspected that Mr. Lehot's story was his own fantasy, and in fact, it was likely that Mr. Lehot had attempted to force himself on this young female lawyer.

B. Assault in November 2018 in Palo Alto

On November 16, 2018, the California bar results for the July examination were released showing that Ms. Guerrero failed, which was of no surprise given that Mr. Lehot forced her to take the bar just days after she finished her former job and landed in California. Mr. Lehot later confessed to Ms. Guerrero that he pressured her so much because he was scared that Ms. Guerrero would change her mind and not leave Asia unless she had to take the bar. In response to Ms. Guerrero failing the bar and knowing that Ms. Guerrero has a very low alcohol tolerance, Mr. Lehot insisted on throwing a "Globe party" at his home in Palo Alto for Ms. Guerrero. Already upset and in a vulnerable state, Mr. Lehot used the opportunity to push a never-ending supply of alcohol into her hands. Ms. Guerrero became highly intoxicated.

Late in the evening, when the other guests had left, Ms. Guerrero ordered a car service to take her home. Mr. Lehot became very irate that she was leaving. Mr. Lehot of course waited until Ms. Guerrero was alone. In his kitchen, as Ms. Guerrero was looking to leave, he forcibly grabbed Ms. Guerrero by the waist and tried to kiss and rub against her. Ms. Guerrero screamed, pushed him off her and yelled for him to stop. Scared he would force himself on her, she begged and pleaded with Mr. Lehot to stop. Ms. Guerrero kept yelling "Leave me alone." Mr. Lehot physically tried to prevent Ms. Guerrero from leaving his house, including by grabbing her wrists to hold her back. The next day, Mr. Lehot blamed Ms. Guerrero, telling her that he had spent the entire night sobbing because of the way she had rejected and treated him.

C. Retaliation for Continued Rejection

After Ms. Guerrero repeatedly had to fend off Mr. Lehot, in textbook fashion Mr. Lehot told Ms. Guerrero that someone at the Firm told him there were "rumors" that they were having an affair. Duped by his contrived gossip (or gossip initiated by Mr. Lehot), Ms. Guerrero allowed herself to believe Mr. Lehot's suggestion that such rumors started because she dressed too sexually for her job as a corporate partner in Silicon Valley. Mr. Lehot used the opportunity to inject that male clients and lawyers are "uncomfortable" working with her because of her sexual appeal. Although unaware at the time, Ms. Guerrero realized that Mr. Lehot was the one making comments and suggestions to clients and lawyers that some type of "relationship" outside of work existed between them. Because of the rumors started by Mr. Lehot, Ms. Guerrero distanced herself from attending client meetings and events that she otherwise would have attended but for Mr. Lehot's unlawful behavior. In addition to penalizing her on a work performance level, her lack of attendance at events with him caused Mr. Lehot to engage in angry and irate outbursts at Ms. Guerrero.

Because of these angry outbursts, Mr. Lehot engaged in further textbook silent treatment and refusals to talk to Ms. Guerrero for days that were meant to punish her and show that Mr. Lehot had the power to cause harm to Ms. Guerrero's reputation and work performance. Much like a cycle experienced by a battered woman, Ms. Guerrero was subjected to a repeated circular set of conduct from Mr. Lehot composed of his sexual advances and attempts to be alone with her on trips, at events and dinners, followed by her outright rejection of him, after which Mr. Lehot penalized her through work related matters and erratic behavior that included complete shunning of Ms. Guerrero.

In late winter, early spring, Mr. Lehot, unable to take no for answer, made an aggressive attempt to sexually advance on Ms. Guerrero. Appalled, disgusted and worn out, Ms. Guerrero once again made it clear that at no time in the present or ever in the future would she be in an intimate relationship with Mr. Lehot. Unlike prior rejections as described above, this time after being rejected, Mr. Lehot threatened her job, position at the Firm and compensation and told her that their working relationship would never be the same. In or about this same time, Ms. Guerrero learned from her husband's immigration attorney, a person Mr. Lehot claimed was a close friend, that Mr. Lehot called and told him that Ms. Guerrero was divorcing her husband. This attorney admitted to Ms. Guerrero that Mr. Lehot sounded quite drunk on the call but that he had no reason to doubt what he was told and therefore he had stopped working on Ms. Guerrero's husband's application for a green card. Horrified, Ms. Guerrero realized that Mr. Lehot would stop at nothing to make her pay for her rejection of him.

For almost the entire month of April, Mr. Lehot subjected Ms. Guerrero to obstinate silence, excluded her from client development, meetings and other work-related items that directly impacted her performance and, therefore, compensation. Distraught, Ms. Guerrero continued to fear speaking out. Since she arrived at the Firm, Mr. Lehot never missed an opportunity to tell her that he was the most powerful partner in the Silicon Valley group and had full discretion over her bonus compensation.

In May 2019, Sang Kim brought Ms. Guerrero in on one of the practice's largest deals ("Deal"). From the moment Mr. Lehot found out, he privately told Ms. Guerrero to stop working on the deal. In addition to pushing her to not work on the Deal, Mr. Lehot told her many times to "ignore" the client. Careful to manage office politics, Mr. Lehot messaged to Mr. Kim that he believed it was a good idea to include Ms. Guerrero on the project. In June 2019, unable to control his impulses, Mr. Lehot told Ms. Guerrero that he "cannot stop thinking about [her]." He claimed that he could not stop thinking about how he could make her happy. At the same time, Mr. Lehot told her that if she continued to work on the Deal with Mr. Kim, that he will no longer support her at the Firm. To be clear, "support her" means help her on his team, contribute to her efforts to retain clients and otherwise perform work necessary to earn origination credits and achieve her bonus targets for the year. Although emotionally distraught before June 2019, Ms. Guerrero's distress reached a heightened physical level. Within weeks she landed in the emergency room for severe intestinal problems and had to take time off from work. Attending physicians in the emergency room were

concerned about her condition to the point that she was referred to treating therapists, gastrointestinal specialists, as well as a social worker.³

As for Mr. Lehot's escalated retaliation, by way of example, on July 11, he threatened to never work with Ms. Guerrero again if she continued with the Deal. Incredulously, Mr. Lehot told Ms. Guerrero that he was only trying to be "helpful." On July 12, after Ms. Guerrero refused to allow him to inflict an angry tirade against her, Mr. Lehot disgustingly threatened her again and said that Ms. Guerrero had "damaged [his corporate] practice." He falsely accused her of conniving with Mr. Kim to work around Mr. Lehot and steal business from him.

Fearing Mr. Lehot's vindictive behavior, she felt she had no choice but to tell Mr. Kim about some of the things Mr. Lehot had done since she started at the Firm. Outrageously, after disclosing the horrific treatment by Mr. Lehot to Mr. Kim, Mr. Kim subsequently told Ms. Guerrero that she was being taken off of the Deal.

D. Retaliation After Notifying DLA Piper of Protected Complaints

We notified DLA Piper of our representation on July 28, 2019 and provided a detailed account of Ms. Guerrero's experiences. Subsequently, Mr. Lehot attempted to reach her via personal cell and text in order to exert his influence and manipulate her. Thereafter, throughout August 2019, Mr. Lehot engaged in more retaliatory behavior including by intentionally dropping Ms. Guerrero from work related emails for their largest client. By way of example only, of Mr. Lehot's continued bullying, he insisted that Ms. Guerrero participate in a scheduled in-person meeting with him on a client matter that Ms. Guerrero had no need to attend. Mr. Lehot, aware that she was afraid to be alone with him, fabricated an excuse to make that very situation happen. After Mr. Lehot continued to insist that she participate in the meeting, despite her protests, Ms. Guerrero experienced a panic attack and landed in the urgent care unit of a local hospital.

In the Palo Alto office, both Ms. Guerrero and Mr. Lehot sit on the third floor. However, after placing DLA Piper on notice of her claims, Mr. Lehot moved out of his office that was located across the hall from Mr. Guerrero's office. Incredulously, Mr. Lehot's "move" allowed him to take a larger corner office of another senior male partner, causing employees to speculate that Mr. Lehot's importance had been elevated within DLA Piper. In fact, several employees asked Ms. Guerrero if Mr. Lehot had been "promoted." Mr. Lehot's new and improved office space also is on the third floor.

In short, Mr. Lehot continues to have unfettered access to Mr. Guerrero at the office. On numerous days, Ms. Guerrero's fear about Mr. Lehot walking into her office, closing her door and forcing her

³ Briefly, Ms. Guerrero was diagnosed with panic attacks and post-traumatic stress disorder. She is suffering from severe intestinal problems. In addition to going days without being able to eat from stress, for the first time in her life, Ms. Guerrero is suffering debilitating panic attacks.

to have a conversation with him one-on-one has caused her to experience panic attacks. Regular interaction with Mr. Lehot at the office, via email or telephone, simply provides no shortage of opportunities for Mr. Lehot to indulge in further predatory conduct towards Ms. Guerrero. By way of example only, on September 25, 2019, a dinner “meeting” was held at a local Palo Alto restaurant. Within minutes of Mr. Lehot starting to drink alcohol, he was emboldened to stare at her relentlessly and attempt to convey his sexual longing from the other side of the dinner table. Unable to endure his blatant attempts to manipulate her, Ms. Guerrero was forced to leave the dinner early.

When Ms. Guerrero first learned of the dinner, she was reluctant to go. However, Mr. Lehot and Mr. Kim sent no less than three separate emails during the afternoon of September 25, “urging” people to attend. DLA Piper, and the senior male executives running the Silicon Valley office, have done nothing to remedy what has happened to Ms. Guerrero or to ensure that Ms. Guerrero is no longer subjected to sexual harassment. Such willful inaction has caused and continues to cause Ms. Guerrero severe harm. Rather than take steps to remedy the situation, DLA Piper has doubled-down on its commitment to support Mr. Lehot and retaliated against Ms. Guerrero.

Not surprisingly, despite accolades about how well she was performing and how much she had contributed to profitability for the Silicon Valley practice just weeks before she complained to Mr. Kim, DLA Piper suddenly now claims that she is underperforming. Ms. Guerrero is a junior partner that joined DLA Piper based on representations made by Mr. Lehot to her, and to other partners, about how he would ensure that she ramped up quickly to obtain her own clients, but in the meantime would be working for Mr. Lehot. Ms. Guerrero initially rejected Mr. Lehot’s offer to come to DLA Piper precisely because she knew how many years it could take for a junior partner to get their own clients.

In response to her concerns, Mr. Lehot made numerous promises about how he would include her in his book of business and allow her to receive credit for deals that she worked on while under Mr. Lehot. There is no dispute that Mr. Lehot is the partner responsible for assessing Ms. Guerrero’s performance and making recommendations about her bonus. In fact, it was Mr. Lehot who recommended to other DLA Piper partners at the end of 2018 not to give Ms. Guerrero a bonus. The other partners agreed with Mr. Lehot. Simultaneously, Mr. Lehot recommended, and the other partners agreed, to give a sizeable bonus to a male junior partner that started at DLA Piper just a couple of months before Ms. Guerrero joined. No explanation was provided to Ms. Guerrero for why this junior male partner received a bonus and she did not.

The Firm’s sudden shift about how Ms. Guerrero is failing in her performance, is retaliatory, pure and simple. Just days after telling Ms. Guerrero that she was underperforming, DLA Piper contrived alleged information about “inappropriate” behavior that Ms. Guerrero purportedly engaged in. Without disclosing any information about what this is, when it happened, or why it is inappropriate, DLA Piper has initiated a full investigation of Ms. Guerrero through outside counsel.

Despicably, DLA Piper is placing bullying “deadlines” and parameters on Ms. Guerrero based on the recently “uncovered” purported inappropriate conduct.

It is despicable that in 2019, a global law firm has debased itself to antiquated defense mechanisms that include publicly shaming and blaming women that speak out about discrimination. In all likelihood, DLA Piper’s suspect new revelations will involve something about Ms. Guerrero’s moral character. In sum, we respectfully request that the agency conducts a thorough and in-depth investigation into Ms. Guerrero’s allegations about her experiences at DLA Piper and the continued blatant retaliation that is intended to victimize and demean her for exercising her rights under the very laws designed to protect female employees like Ms. Guerrero.

Respectfully,



Jeanne M. Christensen