

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

**NANCY SALTZMAN,**

**PLAINTIFF,**

**-- against --**

**EXLSERVICE HOLDINGS INC., ROHIT  
KAPOOR, NALIN MIGLANI, GAREN  
STAGLIN, AND CLYDE OSTLER,**

**DEFENDANTS.**

**SUMMONS**

**JURY TRIAL DEMANDED**

**Index No. \_\_\_\_\_**

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 attorneys, Sanford Heisler Sharp, LLP at 1350 Avenue of the Americas, 31<sup>st</sup> Floor, New York, NY 10019 within twenty (20) days after service of this Summons, exclusive of the day of service, or within thirty (30) days after the service is complete, if this Summons is not personally delivered to you within the State of New York. In the case of your failure to answer, judgement will be taken against you by default for the relief demanded in the complaint.

Dated: April 29, 2019

Respectfully submitted,



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**EXLSERVICE HOLDINGS, INC., ROHIT  
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**COMPLAINT**

**JURY TRIAL DEMANDED**

**Index No. \_\_\_\_\_**

Plaintiff Nancy Saltzman (“Plaintiff” or “Ms. Saltzman”), by and through her attorneys, Sanford Heisler Sharp, LLP, brings this action against ExlService Holdings, Inc. (“Exl” or the “Company”), Exl CEO and Vice Chairman Rohit Kapoor (“CEO Kapoor” or “Defendant Kapoor”), Exl Executive Vice President and Chief Human Resource Officer Nalin Miglani (“Executive Vice President Miglani” or “Defendant Miglani”), Exl Chairman of the Board Garen Staglin (“Chairman Staglin” or “Defendant Staglin”), and Exl Director and Audit Committee Chair Clyde Ostler (“Director Ostler” or “Defendant Ostler”). Plaintiff alleges upon knowledge concerning her own acts and upon information and belief as to all other matters:

**I. INTRODUCTION**

1. Plaintiff Nancy Saltzman served as General Counsel and Executive Vice President of ExlService Holdings, Inc. from April 2014 until June 2018, when Exl terminated Ms. Saltzman after she complained of unlawful gender discrimination.

2. Throughout Ms. Saltzman’s employment, Exl CEO and Vice Chairman Rohit Kapoor and the other men on Exl’s Executive Committee treated Plaintiff as inferior, took steps to exclude her from career and advancement opportunities, subjected her to enhanced scrutiny, and micromanaged her. For example, CEO Kapoor personally scrutinized Ms. Saltzman’s travel and

required her to obtain his express before traveling to visit her team overseas—which he did not require of equivalent male employees. Executive Vice President and Chief Financial Officer Vishal Chhibbar (“CFO Chhibbar”) and Executive Vice President and Chief Human Resource Officer Nalin Miglani instructed their subordinates to withhold pertinent information and documents from Plaintiff, impairing her ability to provide legal advice and undermining her authority. And CEO Kapoor even reassigned a diversity project from Ms. Saltzman—the only female member of Exl’s Executive Committee—to Vice President Miglani. As the head of the diversity initiative, Vice President Miglani proposed handing out men’s neckties as a diversity gift.

3. In May 2018, Plaintiff reached the breaking point. On May 21, 2018, during a company anniversary celebration, CEO Kapoor personally directed that Ms. Saltzman serve cake to the Company’s junior male employees, because she was one of four “ladies” in attendance. Humiliated and upset, Ms. Saltzman complained to CEO Kapoor himself and to Exl Director and Audit Committee Chair Clyde Ostler about CEO Kapoor’s gender discrimination. In response, Exl’s Board, led by Chairman Garen Staglin, construed Ms. Saltzman’s complaints of gender discrimination as her resignation and empowered CEO Kapoor to fire her. He did so less than two months after she complained.

## **II. PARTIES**

4. **PLAINTIFF NANCY SALTZMAN** is a New York resident who worked for ExlService Holdings, Inc. as Executive Vice President, General Counsel, Chief Compliance Officer and Secretary from August 2014 until July 2018. Plaintiff worked at the Company’s Manhattan headquarters throughout her tenure at Exl. Her final day on the payroll was August 16, 2018.

5. **DEFENDANT EXLSERVICE HOLDINGS, INC. (NASDAQ: EXLS)** is a NASDAQ listed company headquartered in New York City that provides operations management

and data analytics services and employs more than 29,000 professionals worldwide. Exl boasts an annual revenue of \$883 million and a global presence in United States, Europe, Asia (primarily India and Philippines), Latin America, Australia, and South Africa. At all relevant times, Exl was Plaintiff's employer within the meaning of all applicable federal, state, and local statutes and regulations.

6. **DEFENDANT ROHIT KAPOOR** is the CEO and Vice Chairman of ExlService Holdings, Inc. Defendant Kapoor works at the Company's Manhattan headquarters. Upon information and belief, Defendant Kapoor also resides in New York County.

7. **DEFENDANT NALIN MIGLANI** is the Executive Vice President and Chief Human Resource Officer of ExlService Holdings, Inc. Defendant Miglani works at the Company's Manhattan headquarters. Upon information and belief, Defendant Miglani also resides in New York County.

8. **DEFENDANT GAREN STAGLIN** is the Chairman of the Board of Directors of ExlService Holdings, Inc.

9. **DEFENDANT CLYDE OSTLER** is a Director and Audit Committee Chair of ExlService Holdings, Inc.

### **III. JURISDICTION AND VENUE**

10. The Court has personal jurisdiction over Defendant ExlService Holdings, Inc. pursuant to CPLR §§ 301 and 302. ExlService Holdings, Inc. is incorporated in Delaware and headquartered in New York and regularly does or solicits business, engages in a persistent course of conduct, and/or derives substantial revenue from goods used or services rendered in New York State. The Company's wrongful acts or omissions were committed in New York State.

11. The Court has personal jurisdiction over Defendants Kapoor, Miglani, Staglin, and Ostler because all are either domiciled in New York State or conduct significant business in New

York State. In addition, each Defendant has had significant contact with New York State as set forth in this pleading.

12. Venue belongs in New York County. Each Defendant's wrongful acts and omissions were committed in this County and/or caused injury to Plaintiff in this County. Defendant ExlService Holdings, Inc. is headquartered in this County. Defendants Kapoor and Miglani reside and/or work in this County. Defendant Exl regularly holds board meetings in this County to make material business decisions, and Defendants Kapoor, Miglani, Staglin, and Ostler regularly attend such meetings.

#### **IV. FACTUAL ALLEGATIONS**

13. Plaintiff Nancy Saltzman is a knowledgeable and experienced C-suite executive. For over twenty years, Ms. Saltzman has excelled at providing strategic advice to Boards of Directors and executive leadership teams of global companies. Throughout her career, she has facilitated and accelerated the achievement of business goals while managing risk and ensuring compliance.

14. Plaintiff was the first and only woman ever on Exl's Executive Committee and one of the few women on the Company's overwhelmingly male senior leadership team:



*Exl Senior Leadership Meeting (December 17-20, 2016)*

But Plaintiff was never treated as an equal member of the Executive Committee.

15. The Company's routine marginalization of female employees has caused a mass exodus of women in senior leadership positions—all of whom have been swiftly replaced by men, including Ms. Saltzman. Indeed, this is not the first gender discrimination and retaliation lawsuit to be filed against the Company and CEO Kapoor.<sup>1</sup>

**A. Ms. Saltzman Joined Exl with a Distinguished Record of Professional Success**

16. Plaintiff came to Exl with an impressive resume, a roster of contacts in technology and legal services, and prepared to provide high-level business and legal services over an extended timeline. After graduating from Amherst College, Plaintiff spent two years working in a prestigious financial analyst program on Wall Street. She then attended Hofstra University School of Law, where she served as an Articles Editor on *Hofstra Law Review*. After graduating from law school in 1992, Plaintiff spent three years working at Dewey Ballantine LLP as a corporate lawyer

<sup>1</sup> See *Crawford v. ExlService.com et. al.*, No. 1:16-cv-09137-LAP (S.D.N.Y.).

representing clients in a range of corporate transactions and regulatory filings. In 1995, Plaintiff joined Chartwell Re Corporation as its Associate General Counsel and was quickly promoted to Vice President and Associate General Counsel. At Chartwell, Plaintiff managed the company's reverse triangular merger through which the company went public on NASDAQ followed by its successful move to the NYSE. She also oversaw multiple acquisitions in the United States and the United Kingdom. From 2005 until 2014, Plaintiff worked at Westcon Group, Inc. as its Senior Vice President, General Counsel, and Secretary. At Westcon, Plaintiff partnered with the top 200 technology manufacturers to distribute and sell their products worldwide, implemented a global regulatory compliance program, and completed twelve corporate acquisitions on five continents. In recognition of her talents and accomplishments, Plaintiff has been selected for numerous speaking engagements.

17. Ms. Saltzman joined ExlService Holdings, Inc. in 2014 as the Company's Executive Vice President and General Counsel. She held these positions until her unlawful termination in 2018. During that time, Plaintiff, who was the only female member of the Company's Executive Committee, played a leading role in helping Exl's business grow. As a member of the Mergers and Acquisitions Executive Committee, Plaintiff was a key member of the core transaction team that closed seven acquisitions and assisted in high value transactions. Plaintiff also spearheaded numerous new policies, programs, and projects that enhanced the Company's legal department and improved the quality and delivery of legal services.

18. Plaintiff's strong performance was recognized by her colleagues at the Company. Subordinates, members of the Global Leadership Committee, and Executive Committee members all praised Plaintiff for achieving timely and effective solutions to complicated legal and business issues. In 2016, the Company gave Plaintiff the additional responsibility of Chief Compliance Officer in recognition of her ongoing excellence.



**B. Exl Discriminated Against Ms. Saltzman and Subjected Her to Discrimination in the Terms and Conditions of Her Employment Based on Her Gender**

19. Plaintiff was objectified by the Company's senior leadership before her employment even began—her qualifications and performance notwithstanding. When Plaintiff interviewed for the General Counsel role, Exl President and Chief Operating Officer Pavan Bagai (“President Bagai”) asked his colleagues if Plaintiff was “attractive.” And upon learning of Plaintiff's attire during her interview, President Bagai commented, “oh, she wore a short skirt. That's good!”

20. When Plaintiff began working at Exl, she quickly realized that the Company had little interest in promoting diversity or advancing female employees in its ranks. Indeed, Plaintiff was the first—and only—woman on the Company's Executive Team, and one of very few women in a senior leadership role:



*EXL Senior Leadership Meeting (December 13-16, 2014)*



*Exl Senior Leadership Meeting (December 17-20, 2017)*

21. For the duration of her employment, CEO Kapoor and the other men on the Executive Committee treated Plaintiff as inferior, took steps to exclude her from career and advancement opportunities, subjected her to enhanced scrutiny, and micromanaged her. On numerous occasions, male Executive Committee members, including Executive Vice President and Chief Financial Officer Vishal Chhibbar (“CFO Chhibbar”) and Executive Vice President Miglani, instructed their subordinates to withhold pertinent information and documents from Plaintiff, making it extremely difficult for her to provide sound legal advice. Only Plaintiff, the sole female member of the Company’s Executive Committee, was treated in this manner; her male colleagues were not, nor was her male predecessor.

22. CEO Kapoor personally scrutinized Ms. Saltzman’s travel, thereby interfering with her relationships with her team and making it difficult for her to do her job. In contravention to the Company’s written policies, CEO Kapoor required Plaintiff to obtain his express approval before booking international travel. CEO Kapoor then denied Plaintiff’s travel requests, thus undercutting her relationships with overseas members of the legal team and minimizing her global presence within the Company. For example, in both 2017 and 2018, CEO Kapoor denied Plaintiff permission to travel to the UK for an important annual client event. Every other member of the

Executive Committee—all of whom were male—traveled to the UK for the event. And in 2016, CEO Kapoor denied Plaintiff approval for a trip to India. As a result, Plaintiff could not meet with her team in India for over a year and was effectively cut off from the Company's 20,000 employees who were based there, including the majority of Exl's finance and operations departments. By contrast, male Executive Committee members, including Executive Vice President Miglani and CFO Chhibbar, regularly traveled internationally to the Company's other offices to work with their overseas teams. They were neither required to, nor did they, seek CEO Kapoor's approval.

23. CEO Kapoor's scrutiny of Ms. Saltzman's travel was particularly egregious because he subsequently criticized Plaintiff in her performance reviews for not having a greater enterprise-wide visibility and impact or enough interaction with clients. These critiques were meritless because he had himself denied Ms. Saltzman's requests for international travel.

24. CEO Kapoor also worked actively to undercut Ms. Saltzman's efforts towards gender equality and inclusion. In 2016, Plaintiff created and ran the Company's first ever "diversity" event, which won positive reviews from both Exl clients and Exl employees across the organization. Yet, in 2017, CEO Kapoor took the diversity project away from Plaintiff and reassigned the sole responsibility and ownership of the diversity initiative to Executive Vice President Nalin Miglani. When Plaintiff requested joint ownership of the project, CEO Kapoor refused. And, as if to showcase Exl's obtuse attitude towards gender diversity, in 2017, Executive Vice President Miglani proposed that the Diversity Committee distribute men's neckties as a gift.

25. CEO Kapoor's sexist attitudes towards women came to a head during a celebration of the Company's 19th anniversary on May 21, 2018 where CEO Kapoor personally directed Plaintiff and several other senior female employees to serve cake to the Company's male employees. Approximately 20 or 30 people attended the celebration, only four of whom were women. After giving opening remarks, CEO Kapoor publicly singled out the four women in

attendance, including Ms. Saltzman, to cut the Company's birthday cake. Even after one of the women in attendance pointed out that there were plenty of competent men standing much nearer to CEO Kapoor and to the cake, CEO nonetheless insisted that the "*ladies*" should cut the cake.

26. Humiliated, Ms. Saltzman was forced to walk across the room to cut and plate slices of cake for the Company's male employees—the vast majority of whom were subordinate to her in rank. Yet even after Ms. Saltzman cut the cake, the men stood around the room and waited until the Company's female employees served plates of cake to the men one-by-one.

27. This incident both publicly humiliated Plaintiff personally and undercut her authority as the only female Executive Committee member. It also pushed Ms. Saltzman to the breaking point.

**C. Plaintiff Formally Complains About Discrimination, and the Company Swiftly Retaliates**

28. On May 29, 2018, Plaintiff had a meeting with CEO Kapoor to obtain his approval to settle a case for a certain amount of money. Although this figure was well within Plaintiff's authority under the Company's written policies, and thus did not require her to seek approval, Plaintiff nonetheless sought CEO Kapoor's approval given his increasingly hostile behavior and continued micromanagement. During the meeting, which was also attended by Assistant General Counsel Gib Bourk, CEO Kapoor gave Plaintiff permission to settle the case for the figure she proposed. The Company settled the case in mediation the following day for the exact amount Plaintiff had anticipated, and Ex1's outside counsel praised Plaintiff for her handling of the case and the outcome.

29. On June 1, 2018, CEO Kapoor learned of the settlement. But rather than acknowledge the positive outcome, CEO Kapoor berated Plaintiff for not telling him sooner. He also denied giving Ms. Saltzman permission to spend the amount the case ultimately settled for—an amount well within her authority. When Plaintiff tried to explain that the settlement, which was

reached less than 48 hours earlier, was for the exact amount CEO Kapoor had expressly approved two days earlier (and, moreover, a fraction of what she was entitled to spend *without* obtaining permission pursuant to the Company's policies), CEO Kapoor interrupted her and raised his voice, telling her, "You do not listen."

30. Plaintiff had never witnessed CEO Kapoor treating a man in this manner. Pushed to her breaking point, Plaintiff told CEO Kapoor that he was subjecting her to differential treatment, including micromanagement, as compared to his treatment of the male Executive Committee members. Plaintiff explained that this treatment was unfair and was causing her stress and anxiety. Plaintiff also calmly offered to continue working through the planned topics of discussion, but CEO Kapoor then abruptly ended their meeting. He accused Plaintiff of being "very emotional" and unable to separate her emotions from her work—both criticisms grounded in sexist stereotypes. CEO Kapoor then asked Plaintiff to attend a follow up meeting two weeks later, on June 13, 2018.

31. On June 12, 2018, Plaintiff reported CEO Kapoor's continued gender discrimination to Exl Board Member Clyde Ostler, an Independent Director and Chair of the Company's Audit Committee. Plaintiff provided specific examples of CEO Kapoor's discriminatory conduct towards her, including the foregoing. In response, Director Ostler asked Plaintiff if the situation was beyond repair. Plaintiff replied that she wanted the Company to formulate a plan to address CEO Kapoor's ongoing discrimination and affirmatively stated that she was not quitting. Director Ostler then advised Plaintiff to keep her June 13, 2018, meeting with CEO Kapoor, telling her, "if you're not quitting, then it seems to me that meeting with your boss is part of your job." Director Ostler also agreed to speak with Board Chairman Staglin and Compensation Committee Chair Anne Minto about Plaintiff's discrimination complaints. Plaintiff,

in turn, instructed Mr. Ostler to tell her, immediately, if the Board intended to relay her complaints of gender discrimination to Mr. Kapoor, because she feared retaliation.

32. Within 24 hours, Director Ostler relayed Plaintiff's complaints of gender discrimination to members of the Board, including Defendant Staglin.

33. The following day, on June 13, 2018, Plaintiff spoke with Compensation Committee Chair Minto. Ms. Minto acknowledged a "problem" that the Company needed to address, and Ms. Saltzman expressly identified Defendant Kapoor's discrimination as the root of the problem. During this conversation, Plaintiff also reaffirmed that she planned to continue working at the Company so long as it addressed CEO Kapoor's conduct, and Ms. Minto assured Plaintiff that her job was not in danger, telling her, "You're not going anywhere! We need to fix this."

34. The Board then met for regularly scheduled meetings on June 14 and 15, 2018.

35. Plaintiff spoke with Director Ostler again on July 2, 2018. At the conclusion of their conversation, Director Ostler asked Plaintiff if she had spoken with any head hunters. This request, of course, made little sense unless the Board intended to terminate Plaintiff's employment, because Plaintiff had told Director Ostler and Director Minto that she intended to continue working at the Company and that she expected the Company to remedy CEO Kapoor's discriminatory treatment. Ms. Saltzman also reiterated her fear that CEO Kapoor would retaliate if he ever learned of her discrimination complaints.

36. The following week, on July 9, 2018, Plaintiff met with CEO Kapoor and Executive Vice President Miglani. When Plaintiff arrived, CEO Kapoor immediately said to her, "So I understand you went to the Board and told them you wanted to opt out." Plaintiff, who had at no point tendered her resignation—and had not even been told that CEO Kapoor knew of her discrimination complaints—was shocked. She clarified to CEO Kapoor that she had not "opted

out” but had instead raised serious concerns about unlawful activity that required the Board’s attention.

37. CEO Kapoor effectively ignored Plaintiff and directed that she provide him with a separation proposal for her exit from the Company. Plaintiff explained that an abrupt departure would have dire consequences for her career and reputation and requested an exit date of December 31, 2018. CEO Kapoor immediately rejected her proposal.

38. That evening, Plaintiff spoke with Director Ostler by phone and explained her need for a transition period. Director Ostler agreed that a transition period was reasonable and acknowledged that the Board was aware of Plaintiff’s status as the most senior woman in the Company and as the head of the legal department. Following Director Ostler’s advice, Plaintiff prepared a separation proposal with a reasonable transitional period and presented it to CEO Kapoor and Executive Vice President Miglani.

39. On July 16, 2018, Executive Vice President Miglani summoned Plaintiff. He explained that the Board had decided that Ms. Saltzman’s June 12, 2018, meeting with Defendant Ostler could be construed as a resignation and had authorized the Compensation Committee to decide on Plaintiff’s separation package. The Compensation Committee, in turn, had delegated authority to him and to Defendant Kapoor to determine her separation package. He then explained that he and CEO Kapoor had decided to accept Plaintiff’s never-tendered resignation. Executive Vice President Miglani informed Plaintiff that her last day at the Company would be August 16, 2018. Plaintiff explained, again, that she had never resigned, but this explanation did not forestall her termination.

40. Later that day, Plaintiff reiterated that she had never resigned in an email to Chairman Staglin:

*To be clear, I have not and did not resign. To the contrary, during the June 12, 2018 conversations with [Director Ostler] that is the alleged basis for this*

*'resignation,' I repeatedly told him—explicitly—that I was not quitting and intended to continue performing my duties as General Counsel and Chief Compliance Officer.*

*It is astounding that the company's response to the repeated incidents of disparate treatment and subjection to a hostile working environment which I reported to [Director Ostler] at the June 12 meeting is to fire me, rather than undertake an investigation into the validity of my assertions.*

*Should the Board decide to change course, please be assured that I remain ready, willing and able to perform my duties under the terms of my employment agreement.*

41. Although Plaintiff thus assured Chairman Staglin that she was prepared to continue working, the Company stood by its decision to abruptly and retaliatorily terminate her employment.

42. This retaliatory intent became clearer on July 20, 2018, when Plaintiff's counsel sent a letter to the Company informing it that the undersigned counsel would be representing Plaintiff in claims of unlawful discrimination and retaliation. Within 48 hours, the Company cut off Plaintiff's access to the Company's email and computer systems; because Plaintiff asserted claims of gender discrimination and retaliation, the Company decided that Plaintiff could no longer communicate with her team or the Company's outside counsel about an orderly transition.

43. Defendants intentionally and maliciously manipulated the circumstances of Plaintiff's dismissal from the Company in a manner designed to harm her future career prospects and reputation. Defendants seized the opportunity to force Plaintiff out of the Company by choosing to misconstrue her discrimination complaint as a "resignation," despite her many statements to the contrary. At Defendants' express invitation, Plaintiff proposed a separation agreement, prompting her to disclose that a transitional period was of utmost importance because of the lasting damage an abrupt departure would cause to her career and reputation. Upon learning this, Defendants immediately ended Plaintiff's employment and disabled her access to the Company's computer systems. This signaled Plaintiff's firing to many Company employees,



former employees, and outside counsel—resulting in the very damage to Plaintiff’s career and reputation that she had told Defendants would occur under such circumstances.

44. Defendants’ actions send a clear message to other women at Exl that opposition to the Company’s discriminatory practices will result in dismissal. Defendants’ malicious, wanton, and reckless actions have caused Plaintiff extreme emotional distress, reputational harm, and financial loss. Plaintiff’s termination has significantly limited her ability to find a suitable replacement position, and she remains unemployed.

**V. COUNTS**

**COUNT I**  
**VIOLATION OF NEW YORK CITY HUMAN RIGHTS LAW—**  
**RETALIATION**  
**New York City Administrative Code § 8-107**  
**(Against All Defendants)**

45. Plaintiff re-alleges and incorporates by reference each and every allegation in the previous paragraphs as though fully set forth herein.

46. Plaintiff engaged in protected activity when she complained to Defendants Kapoor and Ostler and to Director Anne Minto about the discriminatory treatment she was subjected to at the Company. The issues raised by Plaintiff constitute violations of the New York City Human Rights Law prohibiting discrimination on the basis of gender.

47. Defendants retaliated against Plaintiff for engaging in protected activity by terminating her employment.

48. Defendants’ retaliatory or discriminatory act or acts would be reasonably likely to deter a person from engaging in protected activity.

49. Defendants had the power to hire, fire, and alter the terms and conditions of Plaintiff’s employment.

50. Defendants participated in conduct giving rise to the retaliation based on Plaintiff engaging in protected activity.

51. Defendants further aided, abetted, incited, compelled and/or coerced the retaliation based on Plaintiff's complaints of discrimination based on gender by failing to investigate or take appropriate remedial measures despite being informed about the existence of retaliatory conduct.

52. As a result of each Defendant's unlawful conduct, Plaintiff has suffered and continues to suffer harm, including but not limited to lost earnings, lost future employment opportunities, other financial losses, emotional distress, and other non-economic damages.

53. Plaintiff is entitled to all remedies available for violations of the New York City Human Rights Law, including lost compensation, back pay, front pay, compensatory damages, punitive damages, attorneys' fees, costs, and other appropriate relief.

**COUNT II**  
**VIOLATION OF NEW YORK CITY HUMAN RIGHTS LAW—**  
**GENDER DISCRIMINATION IN TERMS, CONDITIONS, AND PRIVILEGES**  
**New York City Administrative Code § 8-107**  
**(Against All Defendants)**

54. Plaintiff re-alleges and incorporates by reference each and every allegation in the previous paragraphs as though fully set forth herein.

55. During all times relevant to this claim, Plaintiff was an employee of Defendant Exl. During all times relevant to this claim, Defendant Kapoor was an employee and agent of Defendant Exl. Defendant Kapoor had the power to hire, fire, and alter the terms and conditions of Plaintiff's employment.

56. Defendants have subjected Plaintiff to discrimination in the terms, conditions, or privileges of public accommodation in violation of the New York City Human Rights Law. Defendant Kapoor, on behalf of Exl, treated Plaintiff differently from and less well than similarly situated male employees. Defendants Kapoor and Exl also participated in conduct and harassment

giving rise to a hostile work environment based on Plaintiff's gender that altered the terms and conditions of Plaintiff's employment.

57. All Defendants aided, abetted, incited, compelled and/or coerced the unlawful acts alleged herein by failing to investigate or take appropriate remedial measures despite being informed about the existence of discriminatory conduct.

58. As a result of each Defendant's unlawful conduct, Plaintiff has suffered and continues to suffer harm, including but not limited to working in an environment charged with discrimination on the basis of gender; emotional distress; and other damages.

59. Plaintiff is entitled to all remedies available for violations of the New York City Human Rights Law, including lost compensation, back pay, front pay, compensatory damages, punitive damages, attorneys' fees, costs, and other appropriate relief.

**COUNT III**  
**VIOLATION OF NEW YORK CITY HUMAN RIGHTS LAW—**  
**UNLAWFUL DISCHARGE BASED ON GENDER**  
**New York City Administrative Code § 8-107**  
**(Against Defendants Exl, Kapoor, and Miglani)**

60. Plaintiff re-alleges and incorporates by reference each and every allegation in the previous paragraphs as though fully set forth herein.

61. Defendants discriminated against Plaintiff in violation of the New York City Human Rights Law by discharging her from employment because of her gender.

62. Defendants had the power to hire, fire, and alter the terms and conditions of Plaintiff's employment.

63. Defendants participated in conduct giving rise to the unlawful discharge based on Plaintiff's gender.

64. Defendants aided, abetted, incited, compelled and/or coerced the unlawful discharge based on Plaintiff's gender by failing to investigate or take appropriate remedial measures despite being aware of the existence of discriminatory conduct.

65. As a result of each Defendant's unlawful conduct, Plaintiff has suffered and continues to suffer harm, including but not limited to lost earnings, lost future employment opportunities, other financial losses, emotional distress, and other non-economic damages.

66. Plaintiff is entitled to all remedies available for violations of the New York City Human Rights Law, including lost compensation, back pay, front pay, compensatory damages, punitive damages, attorneys' fees, costs, and other appropriate relief.

**VI. PRAYER FOR RELIEF ON CLAIMS**

WHEREFORE, Plaintiff prays that this Court:

A. Award Plaintiff all of her damages available under the New York City Human Rights Law resulting from Defendants' discrimination on the basis of gender and retaliation for engaging in protected activity, including lost compensation, back pay, front pay, compensatory damages, and punitive damages, in an amount in excess of \$ 20 million;

B. Award Plaintiff all attorneys' fees, costs, and expenses available under law;

C. Award Plaintiff all pre-judgment interest and post-judgment interest available under law; and

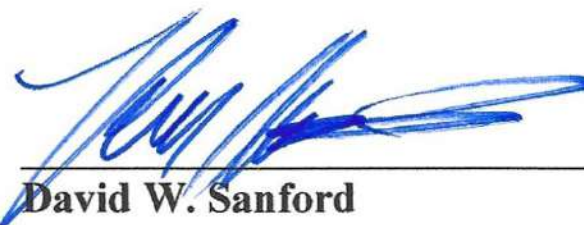
D. Award Plaintiff such additional and further relief as this Court may deem just and proper.

**VII. JURY DEMAND**

Plaintiff demands a trial by jury on all issues triable of right by jury.

Dated: April 29, 2019

Respectfully submitted,



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**David W. Sanford**  
**Russell L. Kornblith**  
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