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*Attorneys for Plaintiff Andowah Newton*



extension of LVMH's campaign to intimidate Ms. Newton into silence amidst allegations that might tarnish its public image. And then came the retaliation.

3. Ms. Newton had received nothing but outstanding, stellar reviews for her performance year in and year out. She had been recently promoted for achieving "excellent results" and being someone who "continues to build confidence in our maisons as she handles what are stressful (and often costly) matters with aplomb. She is valued externally and internally for her intellect, ability and personal approach." But that changed once Ms. Newton filed her sexual harassment complaint. Ms. Newton was criticized for some of the very same things that had won her praise in the past.

#### **PARTIES, JURISDICTION, AND VENUE**

4. Plaintiff is a dedicated and hardworking employee of Defendant LVMH. Ms. Newton works at LVMH's headquarters in New York County. Ms. Newton was at all relevant times, and continues to be, a resident of the County of New York in the State of New York.

5. Defendant LVMH is Ms. Newton's employer and the employer of the individual who has harassed Ms. Newton. LVMH is a corporation with its corporate headquarters at 19 East 57<sup>th</sup> Street, New York, NY 10022 in New York County.

6. LVMH is the United States subsidiary of the French multinational luxury goods conglomerate, LVMH Moët Hennessy Louis Vuitton SE, which sells, among other items, wines and spirits, fashion and leather goods, perfumes and cosmetics, watches and jewelry. LVMH's subsidiaries, brands, and affiliates include Louis Vuitton, Christian Dior, DFS, Le Bon Marché, La Grande Épicerie, Fendi, Marc Jacobs, Fenty Beauty by Rihanna, Givenchy, Sephora, Starboard Cruise Services, Berluti, Charles & Keith, Bulgari, Céline, Emilio Pucci, House of Bijan, Kenzo, Loewe, Loro Piana, Moynat, Nicholas Kirkwood, Rimowa, Thomas Pink,

Chaumet, FRED, Guerlain, Kenzo, Fresh, Make Up For Ever, Hublot, TAG Heuer, Zenith, Acqua di Parma, Benefit Cosmetics, Givenchy Parfums, Kenzo Parfums, Parfums Christian Dior, Perfumes Loewe, Maison Francis Kurkdjian, Marc Jacobs Beauty, Kat Von D Beauty, Cheval Blanc (hotels), Caffè-Pasticceria Cova, Feadship, Les Échos, Hennessy, Belvedere, Veuve Clicquot, Dom Pérignon, Krug, Ruinart, and Moët & Chandon, among others.

7. This Court has personal jurisdiction over Defendant pursuant to Civil Practice Law and Rules (“CPLR”) §§ 301 and/or 302 as Defendant has a principal place of business in the County of New York and is therefore domiciled in the State of New York, and the conduct forming the basis of this action occurred in the State of New York.

8. Venue is proper pursuant to CPLR § 503 because Plaintiff and Defendant “reside” in New York County and the conduct forming the basis of this action occurred in New York County.

## **FACTUAL ALLEGATIONS**

### **I. BACKGROUND**

***After Sixteen Years as an Accountant and Lawyer in France and the U.S.,  
Ms. Newton Joins LVMH in New York as Director, Legal Affairs & Litigation Counsel***

9. Ms. Newton has worked at the top of her industry as both an accountant and now an attorney for twenty years.

10. Ms. Newton is a black and Latina woman who graduated from Georgetown University with a Bachelor of Science in Business Administration and with a minor in French. She also received a diploma for her studies in Business from Université de Lyon III (Jean Moulin) in Lyon, France. During college, Ms. Newton interned at Johnson & Johnson, including in its Paris offices.

11. After college, Ms. Newton earned her license as a Certified Public Accountant and worked as a Senior Associate and Auditor for PricewaterhouseCoopers—the second largest professional services firm in the world—and as an Internal Control Analyst and Auditor at Estée Lauder—one of the world’s leading manufacturers and marketers of skin care, makeup, fragrance and hair care products.

12. Ms. Newton then went on to receive dual law degrees in U.S. and French law from Cornell Law School and Université de Paris I Panthéon-Sorbonne a.k.a. La Sorbonne. During law school, Ms. Newton interned at the Paris office of a top U.S. law firm. After law school, she clerked for the First Vice President Judge Akua Kuenyehia at the International Criminal Court.

13. Ms. Newton is fluent in French. In total, she studied and worked in France for two years.

14. After clerking, Ms. Newton spent eight years as an attorney at major law firms in the United States before joining Defendant LVMH as Director, Legal Affairs & Litigation Counsel in 2015.

15. In her role, Ms. Newton manages litigations and legal disputes for more than 25 luxury brands within the LVMH umbrella. Ms. Newton directs legal strategy and advises senior executives and general counsel in the United States, Europe, and Asia on legal disputes and litigations.

***Ms. Newton Receives Exemplary Reviews and Praise for Her Performance and is Promoted***

16. Ms. Newton has been successful in her role and has received universal praise from her supervisors for her judgment and effectiveness.

17. Ms. Newton’s supervisor, the General Counsel of LVMH, has described Ms. Newton as “a client’s dream; she is attentive to their needs, handles all matters efficiently and

with a calm demeanor, yet she is tough with outside counsel on her clients' behalf."<sup>1</sup> Ms. Newton's supervisor has further stated that Ms. Newton "reflects the highest degree of honesty and ethics in all she does."

18. In March 2017, Ms. Newton was promoted to her current role as Vice President, Legal Affairs & Litigation Counsel, in recognition of her outstanding performance.

19. Since then, Ms. Newton has continued to go above and beyond in her role, managing all non-employment litigations on behalf of LVMH and most of its U.S. affiliates, achieving significant positive results in her matters, and developing strong relationships among LVMH's various groups. Ms. Newton was also selected by her supervisor to spearhead LVMH's first pro bono initiative, which has been a resounding success. Ms. Newton has now created LVMH's first pro bono program, which has provided employees with the ability to help others while developing their legal skills. Ms. Newton's program has had high participation and universally positive feedback, has included collaboration with outside counsel and the New York City Bar Justice Center, and has already begun to expand.

## **II. THE CAMPAIGN OF SEXUAL HARASSMENT AGAINST MS. NEWTON**

20. Shortly after Ms. Newton began working at LVMH, a senior-level management employee, who has been employed with the company for over a decade ("the harasser") began to engage in a persistent and invasive campaign of sexual harassment against Ms. Newton. That harassment continued for years.

21. In or around May 2015, Ms. Newton had her first encounter with the harasser.

22. The harasser came to Ms. Newton's office to discuss making repairs and hanging framed artwork. Before leaving Ms. Newton's office, he lingered in the doorway, stared at Ms.

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<sup>1</sup> In the context of these comments, Ms. Newton's "clients" are C-suite executives and colleagues at LVMH's various brands and subsidiaries.

Newton long enough that she began to feel uncomfortable, and stated: “You are so pretty. And that beautiful smile ... I just can’t get enough of it.” Ms. Newton recoiled at this statement and immediately turned away from the harasser, who subsequently exited her office.

23. After this initial encounter, the harasser began to linger outside of Ms. Newton’s office regularly despite the fact that his office was on a different floor than Ms. Newton’s. At these times, he would leer at Ms. Newton in a manner that made Ms. Newton feel as though he was undressing her with his eyes.

24. In or around September 2015, the harasser entered Ms. Newton’s office again to discuss office repairs and the hanging of artwork. Ms. Newton was seated at her desk in front of her computer screen. In the midst of his discussion with Ms. Newton, under the guise of having to call a colleague, the harasser suddenly and without warning lunged his body across Ms. Newton’s, thrusting his pelvis and genitals into her face and pressing his body firmly against hers as he reached across her body for her phone. Ms. Newton found herself pinned against her chair. The motion was completely unnatural and unnecessary and left Ms. Newton stunned and terrified. She frantically pushed her body away from her desk and jumped up from her chair in response, making clear that the contact was unwanted.

25. Following this incident, the harasser continued to appear outside Ms. Newton’s office, where he would lurk, often for minutes on end, leering intently at Ms. Newton. He likewise uncomfortably invaded her space at company events, before and after fire drills, in the elevator bank, and during chance encounters in the hallway, and on several instances, in full view of other employees.

26. At one company event, in or around 2015 or 2016, the harasser, upon seeing Ms. Newton enter the room, walked across the room and directly approached the cocktail table that



Ms. Newton was near, where she and a few female colleagues were conversing. Upon arriving at the table, he made a point of kissing each woman twice—once on each cheek.

27. After he had kissed the other women, he approached Ms. Newton and attempted to kiss Ms. Newton on the cheeks as well. Ms. Newton leaned her face and body backwards so that he could not reach her.

28. In response to Ms. Newton's movement, the harasser, who, upon information and belief, is American, loudly exclaimed to everyone at the table: "What? No 'bises'<sup>2</sup> for me?" Ms. Newton responded: "No."

29. Despite Ms. Newton's two rejections of the harasser's attempts to kiss her, he again persisted with his attempts loudly stating to everyone at the table: "Oh, come on, it's a celebration..." Ms. Newton gave him a look of disgust and quickly walked away.

30. For years, the harasser has continued his harassment, and Ms. Newton has done everything she can to avoid him. Ms. Newton spends less time in her office, keeps her door closed more frequently, has avoided taking the stairs, and has devised other ways to reduce the likelihood of seeing or interacting with him. However, even with these precautions, Ms. Newton has been unable to avoid encounters with the harasser.

31. For example, on or about January 3, 2018, the LVMH headquarters flooded. Employees, including Ms. Newton, rushed to clean up files and protect important business documents from destruction. The harasser took this opportunity to stand nearby and leer at her. He did not offer to help or provide any assistance. He simply ogled Ms. Newton, staring suggestively at her body as she hastily tried to gather the documents.

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<sup>2</sup>"Bises" are the pair of kisses that French people who are familiar with each other commonly use to greet each other or say goodbye.

32. As explained below, Ms. Newton repeatedly informed colleagues of the behavior, and ultimately reported it to Human Resources, only to be retaliated against for her efforts to stop the harassment.

### **III. LVMH IGNORES MS. NEWTON'S REPORTS OF SEXUAL HARASSMENT AND INSTEAD TREATS THE HARASSER AS THE VICTIM**

#### ***LVMH Ignores Ms. Newton's Informal Reports of Harassment***

33. Ms. Newton, familiar with the image-obsessed corporate culture at LVMH, worried that any sort of formal reporting would result in a backlash against her, not the harasser. However, she hoped that, by informally reporting the sexual harassment, LVMH would resolve the problem without the potential negative effects that could follow from a formal report. Thus, between late 2015 and 2018, Ms. Newton informally reported the harasser's conduct to LVMH personnel on several occasions, including to LVMH's in-house employment counsel ("the Employment Counsel").

34. In every instance, LVMH failed Ms. Newton, in violation of LVMH's employment policies. The Employment Counsel claimed that he could not report the conduct further within LVMH because he worked for the legal department, a statement which is flatly contradicted by LVMH's own Employment Handbook—which the Employment Counsel had assisted in creating.

#### ***Ms. Newton Confronts the Harasser on the Advice of the Employment Counsel and is Then Reprimanded for It***

35. Following a May 30, 2018 incident involving the harasser once more lingering outside her office and leering at her, Ms. Newton e-mailed the Employment Counsel to complain again about the harasser's behavior.

36. When the Employment Counsel failed to respond to Ms. Newton, she followed up and called him in his capacity as employment counsel of LVMH and asked him for advice. The

Employment Counsel stated that he could not report the conduct because he worked for the legal department. Instead of encouraging Ms. Newton to file a formal report, he then suggested that Ms. Newton approach the harasser and tell him to stay away.

37. Ms. Newton responded that, as she had previously explained to the Employment Counsel, she had already made clear to the harasser that his conduct was unwelcome but it had not made a difference. In response, the Employment Counsel nevertheless encouraged her to confront the harasser in “no uncertain terms.”

38. Following the Employment Counsel’s advice, and because Ms. Newton feared being alone with the harasser, Ms. Newton sent the harasser an email. In this email, Ms. Newton referred to the harasser’s past incidents, including “loitering,” “leering,” and “peering,” remarks about Ms. Newton’s looks and smile, invading Ms. Newton’s personal space, and “hanging around.” Ms. Newton referred to this “ongoing pattern” of “inappropriate behavior” as “harassment” and told the harasser to stop his inappropriate conduct.

39. In her email, Ms. Newton stated that if the behavior continued, she would report the harasser to Human Resources.

40. Ms. Newton forwarded this email to the Employment Counsel.

41. Minutes after Ms. Newton forwarded the email, the Employment Counsel called Ms. Newton, enraged at her. The Employment Counsel stated repeatedly that he now “ha[d] to report this,” referring to Ms. Newton’s e-mail to the harasser, even though he had previously claimed he could not report the harasser’s behavior. On the phone, the Employment Counsel

initially denied having told Ms. Newton to confront the harasser. He subsequently admitted that he had but insisted that he had not told her to do it over email.

***LVMH Conducts a Sham Internal Investigation***

42. The following day, Ms. Newton received a phone call from LVMH's Senior Director of Talent Development ("Director of Talent"), who had been tasked with leading LVMH's internal investigation into Ms. Newton's email, under the supervision of the Employment Counsel and Ms. Newton's supervisor, LVMH's General Counsel ("the General Counsel"). No explanation was given as to why counsel was not conducting the investigation. The Director of Talent informed Ms. Newton that she had received a copy of Ms. Newton's email to the harasser and summoned Ms. Newton to her office so they could talk "about the email."

43. The two subsequently had a brief meeting in which the Director of Talent questioned Ms. Newton regarding the email. When Ms. Newton stated that the harasser had been sexually harassing her for years, the Director of Talent asked if he had ever threatened Ms. Newton and asked a series of questions relating to Ms. Newton's choice of words in her email.

44. The Director of Talent did not ask any follow-up questions regarding the sexual harassment that Ms. Newton had suffered and was uninterested in hearing about Ms. Newton's concerns. The Director of Talent was far more concerned about how Ms. Newton's email could reflect on LVMH's "branding" and image than she was on the actual sexual harassment Ms. Newton had experienced.

45. The following day, the Director of Talent requested another meeting with Ms. Newton. At this meeting, the Director of Talent informed Ms. Newton that she had met with the General Counsel—Ms. Newton's supervisor—and the Employment Counsel to discuss Ms.

Newton's claims before meeting with Ms. Newton. The Director of Talent also informed Ms. Newton that she had spoken to the harasser and another LVMH employee and had concluded that this was all just a "misunderstanding" or "miscommunication." Case closed.

46. The Director of Talent described the harasser's behavior as "mere flirting" and told Ms. Newton that the incident in which he had attempted to kiss Ms. Newton was "what executives do in a French company," suggesting that Ms. Newton was unfamiliar with French culture and should simply tolerate the behavior. The Director of Talent completely ignored other instances of harassment, including, most egregiously, the incident in which the harasser had pressed his genitals against Ms. Newton's body.

47. The Director of Talent then began to reprimand Ms. Newton for the email she sent the harasser and suggested that Ms. Newton should apologize to him. The Director of Talent made the following statements to Ms. Newton:

- a) The company is placed in a bad light by your emails;
- b) You need to understand how the harasser feels;
- c) He feels threatened;
- d) He can't sleep;
- e) He is concerned that he might lose his job;
- f) He is demanding an apology from you;
- g) You should not have sent him an email rather than verbally approaching him or going to Human Resources; and
- h) Your email was unjustifiably "attacking" him.

48. The Director of Talent did not express any concern for Ms. Newton even though Ms. Newton informed her that her sleeping and eating had been disrupted due to the harasser's conduct.

49. When Ms. Newton requested that the Company at least instruct the harasser to stay away from her, the Director of Talent replied that the harasser had to be able to do his job as he saw fit.

50. The Director of Talent's internal "investigation" report, overseen by the Employment Counsel and the General Counsel, is a clear reflection of LVMH's intent to protect its image at the expense of Ms. Newton and other employees' well-being and safety.

51. LVMH was unconcerned with the fact that the harasser had assaulted Ms. Newton and had engaged in inappropriate, sexually charged behavior which made Ms. Newton feel unsafe and emotionally distressed in her work environment. Instead, LVMH was concerned only with and completely focused on how Ms. Newton's email, pleading with the harasser to stop, would reflect on LVMH. The Director of Talent's report was riddled with inaccuracies and altered Ms. Newton's statements to suit LVMH's narrative.

52. The Director of Talent then went on to shame Ms. Newton in her report. She described Ms. Newton's conduct as unprofessional.

53. On information and belief, prior to this meeting, the Director of Talent was directed by the General Counsel (who is also Ms. Newton's supervisor), the Employment counsel, and LVMH's outside counsel, to instruct Ms. Newton to apologize to the harasser for sending the May 30, 2018 email.

***Ms. Newton Files a Formal Complaint with Human Resources, Despite Being Discouraged from Doing So by the General Counsel***

54. A few days later, on or about June 3, 2018, Ms. Newton emailed the General Counsel describing the prior week's events and expressing concern that she had been treated like the perpetrator and her harasser like the victim.

55. In her email to the General Counsel, Ms. Newton revealed that she would be submitting a formal report to Human Resources because the harasser's behavior had not stopped, the Company had failed to instruct him to stop, and Ms. Newton was troubled by the company's handling of the situation.

56. On the same date, June 3, 2018, Ms. Newton filed a formal complaint with the Senior Vice President of Defendant LVMH's Human Resources Department ("HR SVP"). In her complaint, Ms. Newton described the sexual harassment and the response of LVMH's legal counsel and the Director of Talent to her reports. Ms. Newton requested an investigation by an "outside, impartial, and unbiased expert who has no personal or professional connection to anyone at the company" and requested that the company "refrain from further dismissing, diminishing, or criticizing [Ms. Newton's] concerns, and from taking further steps to prevent [her] from, or reprimand [her] for, raising them." The HR SVP refused to provide Ms. Newton with the Director of Talent's report or any details regarding her "investigation."

57. The following day, the General Counsel spoke with Ms. Newton about the complaint and became upset with Ms. Newton. The General Counsel questioned why Ms. Newton would file a report, insinuating that by doing so Ms. Newton had harmed the General Counsel.

58. The General Counsel then asserted that, based on the Company's internal investigation, there was clearly no violation of company policy or the law. When Ms. Newton pointed out that the "investigation" was inadequate and that the talent personnel had hardly asked her any questions, the General Counsel asked why Ms. Newton, as a lawyer, did not ensure the talent personnel had asked better questions of her.

59. The General Counsel declared that an outside investigator would be a waste of resources because he or she would reach the same conclusion reached in the Director of Talent's report, but asked if Ms. Newton would "let things go" if an outside investigator determined that no sexual harassment had occurred.

60. Ms. Newton held firm and finally, a few days later, the General Counsel and HR SVP announced to Ms. Newton that they were engaging an external investigator.

***LVMH Conducts a Sham External Investigation***

61. LVMH hired an outside investigator (the "Investigator") to conduct the external investigation. And the investigation turned out to be little more than a mediation aimed at persuading Ms. Newton to stop pursuing her claims.

62. On or about June 8, 2018, Ms. Newton was interviewed by the Investigator.

63. The Investigator's comments during the interview made clear that the Investigator had been tasked with intimidating Ms. Newton and convincing her to put an end to the matter in favor of Defendant LVMH, rather than using the interview as an opportunity to understand all the facts.

64. The following are just a few of the comments the Investigator made during her "interview" of Ms. Newton:

- a) As Ms. Newton described the sexual harassment, the Investigator stated it would be "hard to prove";
- b) The Investigator stated: "I assume you like this job ... you don't want to leave," suggesting Ms. Newton's claims could affect her employment;
- c) The Investigator told Ms. Newton that if she continued to press her claims "people will say that you're very thin-skinned. After all, he didn't really touch you." When Ms. Newton reminded the Investigator of the time the harasser assaulted her, the Investigator replied dismissively "... except for that one incident..."



- d) The Investigator asserted that, upon hearing about the sexual harassment, people would say: “alright, so he looked at her. She’s a good-looking girl. So, what’s so terrible? She should be flattered ...”
- e) The Investigator told Ms. Newton that if she pursues her claims she “will be viewed as, I don’t know if I’d say a trouble maker, but you know, you don’t get off scot-free.”
- f) The Investigator stated to Ms. Newton: “you don’t want him fired because ... you know what happens once you get somebody fired ... I want to say that to you, that it inures to your detriment, unfortunately ... The one who gets somebody else fired, they look like a son of a bitch.”
- g) The Investigator stated that because Defendant LVMH is part of “a French Company,” they “look at these things differently.”
- h) The Investigator stated that she lived through the “McCarthy era” and that the #MeToo movement reminded her of McCarthyism.

65. Approximately one month later, on or about July 6, 2018, the HR SVP requested a meeting with Ms. Newton and informed her that the Investigator had not found a violation of the company’s policy or the law.

66. The HR SVP refused to provide Ms. Newton with the Investigator’s report or any details regarding the investigation.

67. Ms. Newton repeated her concerns and asked if the Company would do anything to stop the harasser’s contact with her, as Ms. Newton continued to fear for her safety. The HR SVP replied that because the harasser had done “nothing wrong,” the company would not issue any directive or instruction to him.

***LVMH Retaliates Against Ms. Newton***

68. On or about June 21, 2018, in the midst of LVMH’s purported external investigation into the harasser’s conduct and before LVMH had even discussed the results of the

sham investigation with Ms. Newton, LVMH publicly announced that the harasser was being promoted at the company's annual summer party.

69. At the same time that the harasser was being celebrated, Ms. Newton began to experience outright retaliation.

70. Ms. Newton's supervisor, the General Counsel, began singling out Ms. Newton, suddenly treating her differently than other employees and differently than she had treated Ms. Newton before Ms. Newton had made a formal complaint.

71. Notwithstanding her previous glowing reviews of Ms. Newton, the General Counsel has begun to chip away at Ms. Newton's autonomy in the office and is actively trying to take control of Ms. Newton's cases. The General Counsel has also made comments that she is "watching" or "keeping an eye on" Ms. Newton despite Ms. Newton's years of working independently with positive results.

72. These acts of retaliation have left Ms. Newton feeling isolated and targeted by Defendant LVMH and its employees, including the Employment Counsel and the General Counsel. Because of the actions taken by Defendant LVMH and its employees, Ms. Newton believes that she is being pushed out of the Company as a direct result of having reported the harasser's improper conduct.

73. As noted above, in each of the four years preceding Ms. Newton's formal complaint regarding the sexual harassment, LVMH gave Ms. Newton flawless performance reviews, devoid of any criticism whatsoever of her performance.

74. For example, in prior years, the General Counsel wrote the following comments:

- In Ms. Newton's 2015 Performance and Career Review:

- “[Ms. Newton] has not shied away from dealing with complex matters, on the legal/technical side, as well as the complex inter-relationships between the brands and Paris HQ. She has ably handled all litigation matters that have come her way.”
- “[Ms. Newton] has brought much needed organization and strategic thinking to her role, and is a valued member of the team.”
- In Ms. Newton’s 2016-2017 Performance and Career Review:
  - “[Ms. Newton] is a client’s dream; she is attentive to their needs, handles all matters efficiently and with a calm demeanor, yet she is tough with outside counsel on her clients’ behalf.”
  - “[Ms. Newton’s] understanding of the Group allows her to consistently handle [] uncertainty when it arises.”
  - “[Ms. Newton] reflects the highest degree of honesty and ethics in all she does.”
  - “[Ms. Newton] goes above and beyond to satisfy her cli[e]nts but also achieve consistent results across the Group. This is a very difficult task and requires a diplomatic touch as well as [] complete focus on the many moving parts litigations encompass.”
- In Ms. Newton’s 2017-2018 Performance and Career review:
  - That Ms. Newton had “excellent results.”
  - “Pushing back against outside counsel is difficult and not without risk; brava.”
  - “[Ms. Newton] continues to build confidence in our maisons as she handles what are stressful (and often costly) matters with aplomb. She is valued externally and internally for her intellect, ability and personal approach.”

75. Nevertheless, in an act of blatant retaliation for exercising her rights, the General Counsel, on or about March 4, 2019, gave Ms. Newton—for the first time—a negative oral review, which was then memorialized in a written review Ms. Newton received on or about March 14, 2019 (“The Review”).

76. The Review contains false and inaccurate statements by the General Counsel. During her oral review, Ms. Newton requested, and the General Counsel promised to provide, supporting documentation for the inaccurate and unfair characterizations of her performance.

However, to date, Ms. Newton has not been provided with any such documentation. This is because no such documentation exists. The Review also includes criticism blatantly inconsistent with performance evaluations the General Counsel gave Ms. Newton in all prior years.

77. To start, the Review contains a completely false narrative about Ms. Newton's relationship with LVMH's principal U.S. Counsel, the law firm of Barack Ferrazzano Kirschbaum & Nagelberg LLP ("Barack Ferrazzano").

78. In prior reviews of and communications with Ms. Newton, the General Counsel has applauded Ms. Newton's ability and willingness to stand up to Barack Ferrazzano.

79. In Ms. Newton's 2016-2017 Performance and Career Review, the General Counsel wrote that "[Ms. Newton] is a client's dream; she is attentive to their needs, handles all matters efficiently and with a calm demeanor, *yet she is tough with outside counsel on her client's behalf*" (emphasis added). In Ms. Newton's 2017-2018 Performance and Career Review, the General Counsel similarly wrote: "Pushing back against outside counsel is difficult and not without risk; *brava.*" (emphasis added).

80. These evaluations also reveal that Ms. Newton has always been encouraged to seek varied outside counsel for matters and has not been instructed that Barack Ferrazzano should be preferred if it is not in LVMH's best interest.

81. In her 2017-2018 Performance and Career Review, Ms. Newton was given a positive review for, among other things, "identifying appropriate, reliable, and cost-efficient outside counsel." Furthermore, in response to Ms. Newton's goal in the same review to "[i]ncrease efforts to recommend diverse outside counsel for litigation matters," the General Counsel replied: "Absolutely." The General Counsel even informed Ms. Newton that due to the

poor performance of Barack Ferrazzano, the General Counsel had suggested to her boss that LVMH no longer use that firm for litigation matters.

82. Yet the General Counsel directly contradicted herself in the 2019 Review. In the Review, the General Counsel called Ms. Newton's relationship with Barack Ferrazzano "challenging," claiming that she had been "very clear" with Ms. Newton "at the time of hire that the role requires working in a unique and closely collaborative way with [Barack Ferrazzano], in a way that goes beyond the standard inhouse/outside counsel dynamic..." She went on to state that she "[did] not support the manner in which [Ms. Newton] communicated to the firm." The overall content of the Review also demonstrated a change in circumstance, though *nothing had changed* except that Ms. Newton had formally reported the sexual harassment she had suffered for years at the hands of the harasser.

83. In her prior reviews, Ms. Newton consistently received the highest rating available in multiple areas. For example, in her 2016-2017 Performance and Career Review, Ms. Newton received the highest available rating in the categories "coordinate management of litigations and claims involving several maisons" and "manage outside counsel." In her 2017-2018 Performance and Career Review, Ms. Newton similarly received the highest available rating in the categories "strategically manage new legal claims and issues" and "strengthen and continue to develop key internal and external business relationships."

84. Nothing has changed about Ms. Newton's performance in the last year. The only thing that has changed is that Ms. Newton exercised her right to formally assert claims of sexual harassment after LVMH repeatedly failed to address her previous claims and discouraged her from pursuing them. As a result, LVMH decided to retaliate against Ms. Newton.

85. LVMH's treatment of Ms. Newton is particularly upsetting given the fact that LVMH is a company whose customer base is mostly women.

86. Likewise disappointing is LVMH's repeated attempts to deflect Ms. Newton's complaints of harassment by invoking false, negative stereotypes about "French" culture even though, on information and belief, none of the individual actors in this matter is, in fact, French. Specifically, in her "investigation" report and as noted above, the Director of Talent wrote: "[a]s we are in a French Group, [Ms. Newton] should be aware that many executives may use the French greeting, as well as the US handshake, and she should be prepared to manage these interactions when they happen in a way that feels comfortable for her."

87. The insinuation that Ms. Newton simply did not understand or fit in with the Company's "French" culture is laughable given that Ms. Newton lived, worked, and studied in France for several years. Indeed, LVMH informed Ms. Newton that one of the main reasons they had hired her and considered her their "first choice candidate" was because of her vast experience with and knowledge of French culture.

88. Although LVMH and its corporate affiliates have been accused of workplace misconduct in other public filings, these filings likely represent only a small fraction of the actual workplace harassment, discrimination and retaliation LVMH employees face. On Glassdoor.com, a website where a company's employees can anonymously post reviews about their employer, LVMH employees across the globe have identified strikingly similar conduct by LVMH to the conduct Ms. Newton has experienced. The reviews describe a company with a negative, outdated, and discriminatory culture. These reviews include numerous claims that LVMH engages in "discrimination," "favoritism," "xenophobia," "nepotism," "bias," and "bullying." The reviews explain that "[e]mployees are exploited, humiliated, abused, [and]

women are sexually harassed.” The reviews further state that there is “toxic behavior within the executive leadership,” including “abusive” managers. These problems can be attributed to LVMH’s perceived oppressive and negatively-viewed “culture” coupled with LVMH’s pervasive failure to promote women into executive positions.

89. The claims asserted on Glassdoor about LVMH’s Human Resources departments are even more relevant to Ms. Newton’s claims. Many reviewers describe LVMH’s HR departments as “useless” and “corrupted.” The reviews state that LVMH HR representatives “really do not care about their employees,” “don’t know what they are doing,” and HR “is only there to protect the company and not the employees” and “does not have the employees[’] best interest[s]” in mind. Unsurprisingly, reviewers state that LVMH “HR teams are less interested in personal development than the development of the brand or business as a whole” and “[c]urrent and potential employees are constantly discriminated [against]” but “HR team members take pride in being ignorant.” The employee reviewers aptly note that “HR Managers are out of touch with [the] reality of what goes on in each location” and need to actually “[l]isten and act on employee concerns” and “[e]ducate ... employees on how to interact in an international and multicultural workplace.”

#### **VI. MS. NEWTON HAS SUFFERED EMOTIONAL DISTRESS AS A RESULT OF THE HARASSMENT AND DEFENDANT LVMH’S RETALIATION**

90. For years, Ms. Newton has experienced severe distress and anxiety as a result of the sexual harassment and retaliation she suffered at LVMH. Ms. Newton has shaken uncontrollably, felt tightness in her chest, and has panicked about her safety.

91. Ms. Newton often cannot sleep and has had her eating patterns disrupted because of the trauma she has experienced as a result of both the harassment and Defendant LVMH’s reaction to her claims, including attempts to isolate her, lie about her, and destroy the career she

has worked so hard to build. Ms. Newton's constant anxiety at work has only increased as a result of the Company's retaliation against her and refusal to instruct the harasser to stay away from Ms. Newton.

92. Ms. Newton has changed her daily routine out of fear she will run into the harasser. Among other things, Ms. Newton avoids using the staircase at work, spends less time in her office, avoids functions where she may run into the harasser and has moved to other parts of the room at important company events to avoid contact with him.

93. Ms. Newton has had to seek therapy to deal with the emotional trauma she has and continues to suffer as a result of the harassment and Defendant LVMH's conduct.

94. Ms. Newton also suffers from a medical condition that had been treated successfully until last year. Several months ago, after Ms. Newton began suffering retaliation at the hands of LVMH, the condition returned. Upon information and belief, this resulted from the stress caused by LVMH's conduct.

**FIRST CAUSE OF ACTION**  
**(Sexual Harassment; Hostile Workplace)**

95. Plaintiff repeats and incorporates the allegations set forth in Paragraphs 1 through 94 as though fully set forth herein.

96. Section 296.1(a) of the New York Human Rights Law, N.Y. Exec. Law § 290 et seq., and Title 8 of the New York City Administrative Code, § 8-107, prohibit sexual harassment in employment. Defendant LVMH was Plaintiff's employer within the meaning of those laws.

97. Defendant LVMH has allowed and continues to allow a hostile, intolerable workplace based on sexual harassment that was imposed on Plaintiff by the conduct of Defendant LVMH's employee of which LVMH was aware.



98. Defendant LVMH's employee made unwanted sexual advances to Plaintiff and engaged in other unwanted verbal and physical conduct of a sexual nature.

99. Defendant LVMH did nothing to correct this behavior when made aware of it. Instead, Defendant LVMH accused Plaintiff of harming the harasser when she tried to stop the harassing behavior and Defendant LVMH suggested that Plaintiff apologize to the harasser for calling out his misconduct.

100. Defendant LVMH then further discriminated against Plaintiff by retaliating against her in response to her complaints.

101. Defendant LVMH's actions were taken under circumstances giving rise to an inference of discrimination. Plaintiff was treated differently, and less well, because of her gender.

102. As a direct and proximate result of Defendant LVMH's discriminatory conduct, Plaintiff has suffered, and continues to suffer adverse employment consequences. Plaintiff has been ostracized by her coworkers, forced to abide by different rules than her coworkers, and has suffered adverse employment consequences that will damage her professional opportunities and impair her potential for growth at LVMH. Plaintiff has also been forced to endure severe emotional pain and trauma, all to her detriment.

WHEREFORE, Plaintiff prays for the relief described below.

**SECOND CAUSE OF ACTION**  
**(Retaliation)**

103. Plaintiff repeats and incorporates the allegations alleged in Paragraphs 1 through 102 as though fully set forth herein.

104. Section 296.1(a) of the New York Human Rights Law, N.Y. Exec. Law § 290 et seq. and Title 8 of the New York City Administrative Code, § 8-107 prohibit retaliation against

an employee who seeks to assert rights under the Human Rights Laws. Defendant LVMH is Plaintiff's employer within the meaning of those laws.

105. Plaintiff complained to Defendant LVMH about the sexual harassment inflicted upon her by an employee of Defendant LVMH. In response, Plaintiff was subjected to additional mistreatment, all with the knowledge and approval of Defendant LVMH, for the purpose of punishing her for attempting to assert her rights, including but not limited to receiving false disciplinary charges, changes in workplace treatment, and disparate treatment from other employees.

106. Defendant LVMH's actions were taken under circumstances giving rise to an inference of discrimination.

107. As a direct and proximate result of Defendant LVMH's discriminatory conduct, Plaintiff has suffered, and continues to suffer adverse employment consequences. Plaintiff has been ostracized by her coworkers, forced to abide by different rules than her coworkers, and has suffered adverse employment consequences that will damage her professional opportunities and impair her potential for growth at LVMH. Plaintiff has also been forced to endure severe emotional pain and trauma, all to her detriment.

108. WHEREFORE, Plaintiff prays for the relief described below.

**PRAYER FOR RELIEF**

Plaintiff respectfully requests judgment against Defendant be entered as follows:

- A. Enter a declaratory judgment, stating that Defendant LVMH's practices, policies and procedures subjected Plaintiff to sexual harassment and retaliation, making her work environment a hostile workplace in violation of Section 296.1(a) of the New York Human Rights Law, N.Y. Exec. Law § 290 et seq. and Title 8 of the New York City Administrative Code, § 8-107.
- B. Award injunctive relief against Defendant, its affiliates, and subsidiaries, including Defendant, Defendant's affiliates, and Defendant's subsidiaries' officers, owners, agents, successors, employees, representatives, and any and all persons acting in concert with them, from engaging in the unlawful practices, policies, customs, and usages set forth herein;
- C. Award injunctive relief directing Defendant, its affiliates, and its subsidiaries to take such affirmative action as is necessary to ensure that the effects of these unlawful employment practices are eliminated and do not continue to affect employees of LVMH, its subsidiaries, or its affiliates. Such action may include live training on proper reporting and responses to complaints of sexual harassment, taking steps to remediate LVMH and its subsidiaries and affiliates' culture by, at a minimum, increasing training and awareness on these issues, instituting an anonymous complaint mechanism for employees to express concerns about workplace misconduct, and increasing cultural sensitivity training for LVMH and all of its subsidiaries and affiliated entities' employees to ensure

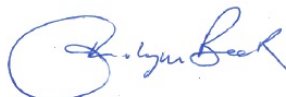
they comply with United States and New York law when operating in these locations;

- D. Award injunctive relief prohibiting Defendant LVMH from further retaliation against Plaintiff;
- E. Enter judgment against Defendant on all causes of action and an award of compensatory damages, emotional distress, punitive and/or exemplary damages, attorneys' fees, pre and post-judgment interest, in an amount to be determined at trial by the jury, and such further relief as this Honorable Court deems just, equitable and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff respectfully demands a trial by jury for all issues so triable in this action.

Dated: April 23, 2019  
New York, New York

By:   
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