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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

CENTRAL DIVISION

11 BEVERLY M. EMERSON, Ph.D., an  
12 Individual,

13 Plaintiff,

14 vs.

15 THE SALK INSTITUTE FOR BIOLOGICAL  
16 STUDIES, SAN DIEGO, CALIFORNIA, a  
17 California Nonprofit Public Benefit  
18 Corporation; and  
19 DOES 1-50, Inclusive,

20 Defendants.

Case No.: 37-2017-00026375-CU-OE-CTL

Consolidated with:

No. 37-2017-0025159-CU-OE-CTL

No. 37-2017-00026375-CU-OE-CTL

FIRST AMENDED COMPLAINT FOR  
DAMAGES AND INJUNCTIVE RELIEF

**IMAGED FILE**

Dept.: C-72

Judge: Honorable Timothy Taylor

Complaint Filed: July 18, 2017

Trial Date: TBD

DEMAND FOR JURY TRIAL

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1 Plaintiff Beverly M. Emerson, Ph.D. (“Dr. Emerson” or “Plaintiff”), by her attorneys, brings  
2 this action on behalf of herself against Defendant The Salk Institute for Biological Studies, San  
3 Diego, California (“Salk Institute” or “Defendant”), and DOES 1 through 50, inclusive. Plaintiff  
4 makes the following allegations upon information and belief (except those allegations as to the  
5 Plaintiff or her attorneys, which are based on personal knowledge), based upon an investigation that  
6 is reasonable under the circumstances, which allegations are likely to have evidentiary support after  
7 a reasonable opportunity for further investigation and/or discovery.

### 8 NATURE OF ACTION

9 1. For over half a century, the Salk Institute has operated as an antiquated boys’ club,  
10 systematically undermining and marginalizing its three female Full Professors.<sup>1</sup> Very few females  
11 have made it to the level of Full Professor, and those who have, have endured numerous  
12 discriminatory reprisals minimizing their successes, including: (1) slower promotion rates; (2) lower  
13 pay regardless of their experience and scientific contributions, seniority, ability to secure grant  
14 funding, awards and accolades, and high-profile publications; (3) an unequal distribution of  
15 resources, including both in donor funding and laboratory staff; (4) exclusion from opportunities for  
16 high-value grants from private donors and foundations; (5) denial of nearly all leadership and  
17 professional advancement opportunities within the Salk Institute; and (6) a hostile environment in  
18 which they are undermined, disrespected, disparaged, and treated unequally.

19 2. What is worse, the Administration and Board of Trustees (including, but not limited  
20 to, former President William Brody, current President Elizabeth Blackburn, and former Chairman  
21 of the Board Irwin Jacobs) have known about this discrimination, yet done absolutely nothing to  
22 stop it or right the wrongs perpetrated against its equally talented and decorated female Full  
23 Professors. Instead of providing them with the same resources and opportunities that male Full  
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25  
26 <sup>1</sup> The Salk Institute has four female non-Emeritus Full Professors – Dr. Emerson, Dr.  
27 Katherine Jones, Dr. Victoria Lundblad, and Dr. Joanne Chory. While Dr. Emerson and Drs. Jones  
28 and Lundblad are employed and funded by the Salk Institute, Dr. Chory is employed and funded by  
the Howard Hughes Medical Institute (HHMI), a non-profit medical research organization that  
supports scientists across the United States. All references to “female Full Professors” exclude Dr.  
Chory, unless otherwise noted.

1 Professors receive to conduct their research and advance their careers, the Salk Institute has  
2 intentionally kept its female Full Professors beneath the glass ceiling. Dr. Emerson, who has  
3 dedicated almost 31 years of her career to the Salk Institute, wants to shatter that glass ceiling and  
4 expose the Salk Institute so that future female scientists will not have to bear the same discriminatory  
5 burdens. But, in retaliation for doing so, the Salk Institute has denied Dr. Emerson's request to  
6 extend her employment contract (a request regularly granted for male Full Professors), forcing Dr.  
7 Emerson to close her laboratory as of December 31, 2017.

8 3. To redress the harms suffered, Dr. Emerson brings claims for: (1) gender  
9 discrimination (disparate treatment) and wrongful termination in violation of California  
10 Government Code §12940(a); (2) gender discrimination (disparate impact) and wrongful  
11 termination in violation of California Government Code §12940(a); (3) retaliation and wrongful  
12 termination in violation of Government Code §12940(h); (4) failure to prevent discrimination and  
13 retaliation in violation of California Government Code §12940(k); (5) gender pay discrimination in  
14 violation of California Labor Code §1197.5(a); (6) retaliation and wrongful termination in violation  
15 of Labor Code §1197.5(k); (7) wrongful termination in violation of public policy; (8) intentional  
16 infliction of emotional distress; (9) violation of the Unfair Competition Law, California Business &  
17 Professions Code §§17200, *et seq.*; and (10) accounting.

### 18 JURISDICTION AND VENUE

19 4. The Superior Court of the State of California has jurisdiction over this action  
20 pursuant to Article VI, §10 of the California Constitution because this case is a cause not given by  
21 statute to other trial courts. Federal jurisdiction does not exist in this case because there is no federal  
22 question implicated and because there is no diversity of citizenship.

23 5. This Court has personal jurisdiction over Defendant because Defendant does  
24 business, and conducts a substantial amount of business, in the State of California. During the  
25 relevant period, Defendant did sufficient business in, had sufficient contacts with, and intentionally  
26 availed itself of the laws and markets of California through the promotion, sale, marketing, and  
27 operation of services, as to render exercise of jurisdiction by California courts permissible. The  
28

1 violations of law hereinafter described have been and are now being carried out within the County  
2 of San Diego, State of California.

3 6. Venue is proper in this county in accordance with Code of Civil Procedure §395(a)  
4 because Dr. Emerson resides in this County and Defendant is currently doing, and has done during  
5 the relevant period, significant amounts of business in this County. In addition, many of the acts and  
6 practices giving rise to Dr. Emerson's claims occurred in this County.

### 7 THE PARTIES

#### 8 Dr. Emerson

9 7. Dr. Emerson is now, and at all relevant times was, a resident of the County of San  
10 Diego, State of California. As a woman, Dr. Emerson is a member of a protected class of persons  
11 under the California Fair Employment and Housing Act, Government Code §§12940, *et seq.*, and  
12 Labor Code §1197.5. Dr. Emerson has been employed by the Salk Institute since 1986 and on  
13 September 27, 2017, the Salk Institute denied Dr. Emerson's request to extend her employment  
14 contract, thereby wrongfully terminating Dr. Emerson's employment effective December 31, 2017.

#### 15 Defendants

16 8. Defendant, the Salk Institute, is a California nonprofit public benefit corporation,  
17 with its principal place of business located at 10010 North Torrey Pines Road, La Jolla, California  
18 92037. Defendant is registered with the California Secretary of State to do business in California.  
19 Defendant employs more than five persons and is, and all times mentioned herein was, an  
20 "employer" within the meaning of Government Code §12926(d) and the Labor Code. Defendant  
21 also has a duly constituted Board of Trustees which is responsible for its management and operation.

22 9. In doing the acts herein alleged, Defendant's employees, subcontractors, and agents  
23 acted within the course and scope of their employment and agency with Defendant. Defendant  
24 engaged in the acts alleged herein and/or condoned, permitted, authorized, and/or ratified the  
25 conduct of its employees, subcontractors, and agents, and is vicariously liable for the wrongful  
26 conduct of its employees, subcontractors, and agents alleged herein.

27 10. Dr. Emerson does not know the true names and capacities of Defendant DOES 1  
28 through 50, inclusive, and therefore sues them by these fictitious names. Dr. Emerson will amend

1 this Complaint to include their names and capacities once they are known. Dr. Emerson is informed  
2 and believes, and on that basis, alleges, that each of the Defendants designated as a DOE is legally  
3 responsible in some manner for the occurrences alleged in this Complaint, and unlawfully caused  
4 the injuries and damages to Dr. Emerson as alleged in this Complaint.

5 11. Dr. Emerson is informed and believes, and thereon alleges, that each Defendant is,  
6 and at all times mentioned was, the agent, employee, or representative of each of the other  
7 Defendants. Each Defendant, in doing the acts, or in omitting to act as alleged in this Complaint,  
8 was acting within the scope of his or her actual or apparent authority, or the alleged acts and  
9 omissions of each Defendant as agent subsequently were ratified and adopted by each other  
10 Defendant as principal.

#### 11 EXHAUSTION OF REMEDIES

12 12. On January 3, 2017, Dr. Emerson filed a charge of discrimination with the California  
13 Department of Fair Employment and Housing (“DFEH”). That same day, the DFEH closed Dr.  
14 Emerson’s case and issued a Right-To-Sue Notice. Therefore, Dr. Emerson has exhausted her  
15 administrative remedies. True and correct copies of the charge and notice are collectively attached  
16 hereto as Exhibit 1.

17 13. On January 26, 2018, Dr. Emerson filed an amended charge of discrimination with  
18 the DFEH relating to her wrongful termination. That same day, the DFEH closed Dr. Emerson’s  
19 case and issued an Amended Right-To-Sue Notice. Therefore, Dr. Emerson has exhausted her  
20 administrative remedies. True and correct copies of the amended charge and amended notice are  
21 collectively attached hereto as Exhibit 2.

#### 22 FACTS COMMON TO ALL CAUSES OF ACTION

23 14. The Salk Institute is one of the world’s preeminent centers of biomedical research.  
24 Established in 1963, it has continuously employed internationally-renowned faculty who make  
25 groundbreaking contributions in areas such as cancer, gene therapy, neurobiology, and plant  
26 biology.

27 15. The Salk Institute claims it is an Equal Opportunity Employer and is “committed to  
28 providing a work environment free from any form of unlawful harassment, discrimination or

1 retaliation.” In fact, the Salk Institute has strict written policies requiring personnel who believe they  
2 have been discriminated against, or who have witnessed any discrimination, to “immediately report  
3 such conduct” to management or Human Resources. The Salk Institute then vows that “[i]n response  
4 to *every complaint*, the Institute will, through impartial and qualified personnel and in a timely  
5 manner, conduct an objective investigation, track and document the investigation to ensure  
6 reasonable progress, reach conclusions and arrive at a determination based on information and  
7 evidence collected, and communicate its determination... If improper conduct is found, *appropriate*  
8 *corrective action will be taken to stop any prohibited conduct and deter future conduct of a similar*  
9 *nature.*” (Emphasis added.) See the Salk Institute’s “Policy Prohibiting Harassment, Discrimination  
10 and Retaliation.”

11 16. Unfortunately, the Salk Institute has utterly failed to follow its own policies,  
12 discriminating against all three of its female Full Professors, including Dr. Emerson, for decades  
13 through systemic marginalization. Female Full Professors are: (1) promoted at slower rates; (2) paid  
14 less regardless of their experience and scientific contributions, seniority, ability to secure grant  
15 funding, awards and accolades, and high-profile publications; (3) deprived of their equitable share  
16 of resources, including donor funding and laboratory space; (4) blocked from high-value funding  
17 opportunities from private donors and foundations; (5) denied nearly all leadership and professional  
18 advancement opportunities within the Salk Institute; and (6) forced to work in a hostile environment  
19 in which they are undermined, disrespected, and treated unequally.

20 17. In fact, the Administration and the Board of Trustees have known about these gender  
21 disparities *for over 10 years*, yet have failed to take any corrective action whatsoever as required by  
22 its own policies. As early as 2001, then-President Richard Murphy commissioned a “Report of the  
23 Faculty Development Committee on the Status of Women Faculty at the Salk” from the Academic  
24 Council,<sup>2</sup> which was completed in 2003 by a committee chaired by Dr. Chory, the only female Full  
25 Professor *not* employed by the Salk Institute (the “2003 Report”). The 2003 Report was based on  
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28 <sup>2</sup> The Academic Council serves as a representative of the faculty and formulates the Salk  
Institute’s academic policies.

1 30 years of the Salk Institute’s faculty appointments and promotions. Among other things, the 2003  
2 Report identified several alarming trends including an underrepresentation of women faculty, slower  
3 promotion times for women faculty, and a grossly disproportionate allocation of resources  
4 (including awarding all the Salk Institute’s Endowed Chairs<sup>3</sup> to only male faculty). Based on the  
5 clear evidence of gender inequality, the 2003 Report made recommendations to the President and  
6 the Board of Trustees to help close the massive gender gap. Regrettably, the Administration and  
7 Board of Trustees completely ignored the 2003 Report’s findings and recommendations and  
8 continued to allow male-dominance over female Full Professors to prevail.

9 18. Thirteen years later, these same issues were presented to President Elizabeth  
10 Blackburn and to Chairman of the Board Irwin Jacobs via a “White Paper” from the six-person  
11 Faculty Issues Subgroup of the Community and Culture Committee, chaired by Dr. Emerson (the  
12 “2016 Report”). The 2016 Report was one of several “White Papers” commissioned by President  
13 Blackburn in conjunction with C-Far, an outside consulting firm ([www.cfar.com](http://www.cfar.com)) retained by the  
14 Salk Institute, which spent several months consulting with the Salk Institute. Among other things,  
15 the 2016 Report concluded that the Salk Institute: has a “substantial and long-standing problem in  
16 recruiting, promoting and retaining women faculty”; has low turnover on faculty committees and “a  
17 complete lack of gender diversity in leadership positions” that promotes “a culture in which a small  
18 subset of faculty [*i.e.*, senior male Professors] play a disproportionately large role in academic  
19 governance”; a lack of written policies and procedures regarding the distribution of resources,  
20 resulting in inconsistent [discriminatory], non-transparent allocations; reserves all opportunities for  
21 visibility among high-value private donors for a “limited number of go-to faculty” [*i.e.*, senior male  
22 Professors]; applies “significant gender-specific bias” to the distribution of resources, as evidenced  
23 by the substantial size differential between the male Full Professor-run and female Full Professor-  
24 run laboratories; and exhibits “gender-specific bias ... in the timeline for awarding endowed chairs.”

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27 <sup>3</sup> Endowed Chairs, funded by private donors and foundations, are designed to honor  
28 exceptional faculty members while providing crucial financial support to pay a portion of the faculty  
member’s salary.

1           19.     Around the same time, a Finance Committee sub-group, which Dr. Emerson was not  
2 a member of, also submitted a “White Paper” to President Blackburn which concluded that because  
3 “no system is in place ... to assess the equitable and transparent distribution of Institute-generated  
4 resources [*i.e.*, “fundraising activities of the President’s Office, the External Relations Office, the  
5 Office of Technology Development and others at the Institute”]” and because “the labs headed by  
6 all of the senior female faculty are in the bottom quartile of lab size, despite higher levels of NIH  
7 funding in one of these labs ... ***the mechanism for distribution of Institute resources may not be***  
8 ***gender-neutral.***”

9           20.     For years, President Brody and Chairman Jacobs, and more recently President  
10 Blackburn, completely ignored the damning evidence of gender discrimination. Upon receipt of the  
11 2016 Report and the Finance Committee’s 2016 White Paper, President Blackburn and Chairman  
12 Jacobs failed to further investigate their complaints or even distribute them to the Board of Trustees  
13 for their review, an action President Blackburn had previously stated would be taken. At the same  
14 time, the Salk Institute disingenuously endorsed the goal of “diversity and inclusion” as integral to  
15 fostering a healthy Salk Institute culture.

16           21.     With full knowledge of this long-standing gender discrimination, the Salk Institute  
17 also misleadingly promotes its “Women in Science” program as “donor bait,” claiming that the  
18 program “is making great strides toward awareness of the need for more women and other  
19 underrepresented groups to fully participate in science innovation” to solicit donations from the  
20 unsuspecting public.

21           22.     The Salk Institute has been able to perpetuate this gender discrimination for so long  
22 through a complete lack of transparency in its policies and procedures regarding recruiting and  
23 hiring, promotions, pay raises, allocation of donor funding and resources, access to private donor  
24 funding opportunities, distribution of bridge funding, awarding of Endowed Chairs, appointment to  
25 committee leadership positions, and employment contract extensions, as well as the absence of  
26 annual faculty performance reviews (in contrast to other organizations in the Salk Institute’s peer  
27 group). Without clear policies and procedures, a small group of senior male Full Professors, in  
28



1 collusion with the Administration, have been allowed to control the Salk Institute entirely to their  
 2 benefit.

3 23. Today, the effects of the Salk Institute’s discriminatory practices are startling.  
 4 Approximately, only:

- 5 (a) 20% of the faculty<sup>4</sup> are female;
- 6 (b) 13% of all Full Professors are female;
- 7 (c) 21% of the new faculty hires since 2010 have been female;
- 8 (d) 11% of the Endowed Chairs have been awarded to female Full Professors,  
 9 with a significant time delay relative to Endowed Chairs awarded to male Full Professors;
- 10 (e) 5% of the current leadership positions on appointed faculty committees are  
 11 held by female Full Professors; and
- 12 (f) 4% of all laboratory staff are employed by female Full Professors, which are  
 13 all substantially smaller than the laboratories run by male Full Professors.

14 24. As President Blackburn has opined regarding the glass ceiling in the sciences after  
 15 she joined the Salk Institute, “I think what’s happened over the years, although there’s been many  
 16 women coming into the pipeline for many sciences, there’s been a drop-off in the percentage of  
 17 women as one goes higher and higher into their career ranks” based on “some combination of both  
 18 implicit and explicit biases at work ....” Indeed, in her own career, President Blackburn has  
 19 experienced “situations where I could tell that I was not included in the same kind of somewhat old  
 20 boys’ sorts of networking, and I think decisions were being made without my participation because  
 21 I wasn’t really in those networks and not accepted into them.”<sup>5</sup> This gender bias and “old boys’ sorts  
 22 of networking” has been occurring at the Salk Institute for decades, and unfortunately, is still  
 23 occurring under its first female President, who is clearly very aware of the problem.

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 25 \_\_\_\_\_  
 26 <sup>4</sup> This includes both HHMI and non-HHMI Full Professors, Associate Professors, and  
 27 Assistant Professors, but excludes Professors Emeritus and Salk Fellows.

28 <sup>5</sup> Turk, Victoria, “More and More Science Grads are Women. So Why do so Few Make it to  
 the Top?” April 22, 2016, <http://motherboard.vice.com/read/more-and-more-science-grads-are-women-so-why-do-so-few-make-it-to-the-top>.

1           **Dr. Emerson is a Highly-Accomplished, Internationally-Renowned Scientist Who Has**  
2           **Dedicated 31 Years of Research to the Salk Institute**

3           25.     Dr. Emerson is an internationally-renowned scientist in the field of molecular  
4 biology. She was hired by the Salk Institute as an Assistant Professor in 1986. In 1992, she was  
5 promoted to Associate Professor, and in 1999, she was promoted to Full Professor. She is currently  
6 65 years old and her employment contract with the Salk Institute terminated on December 31, 2017  
7 due to the Salk Institute's discriminatory and retaliatory denial of Dr. Emerson's request for a  
8 contract extension.

9           26.     For almost 31 years, Dr. Emerson has run a laboratory focused on deciphering  
10 mechanisms of transcriptional and epigenetic control using developmentally expressed genes and  
11 genes or pathways that are deregulated in human cancers. Dr. Emerson has consistently maintained  
12 National Institutes of Health (NIH) grants for 30 years to run her laboratory, which are highly  
13 competitive (only approximately 7 - 15% of NIH grant applications are funded) and extremely  
14 valuable (they pay direct and 94% of indirect (overhead) costs of the laboratory). Dr. Emerson was  
15 also among the first awardees of competitive grants from the California Institute of Regenerative  
16 Medicine and from the National Cancer Institute's (NCI) Physical Sciences in Oncology Network.  
17 Dr. Emerson's NIH funding ended in May 2016 due primarily to forced staff reductions by the Salk  
18 Institute, impeding Dr. Emerson's ability to maintain sufficient production for grant renewal.

19           27.     Dr. Emerson's research has resulted in an extensive history of publications in high-  
20 profile scientific journals, including recent articles in *Molecular Cell*, *eLIFE*, *Nature Cancer*  
21 *Reviews*, and *Proceedings of the National Academy of Sciences*.

22           28.     Dr. Emerson has been a Member of the Salk Institute's NCI-designated Cancer  
23 Center since approximately 1990 and a Member of the University of California, San Diego's Moores  
24 Cancer Center since approximately 2014.

25           29.     In 2013, after 27 years of service (and 14 years as a Full Professor), Dr. Emerson  
26 was finally awarded the Salk Institute's Edwin K. Hunter Endowed Chair, which is designed to  
27 provide crucial financial support for Dr. Emerson's laboratory infrastructure, including salary  
28 support.

1           30.     In 2014, Dr. Emerson was elected Faculty Chair by her peers for the Salk Institute's  
2 Academic Council, serving as Chair-Elect from April 2014 to April 2015, Chair from April 2015 to  
3 April 2016, and as Past Chair until March 31, 2017. Dr. Emerson was only the second woman to  
4 hold this Faculty Chair position since its inception. By virtue of her election as Faculty Chair, Dr.  
5 Emerson also became a Member of the Board of Trustees, serving from 2014 to March 31, 2017.

6           31.     In 2015, Dr. Emerson was elected as a Fellow of the American Association for the  
7 Advancement of Science, the world's largest general scientific society, for her distinguished  
8 contributions to science.

9           32.     Though Dr. Emerson has had a sense of the "old boys' club" culture at the Salk  
10 Institute since she started in 1986, it was not until she became Faculty Chair and received a copy of  
11 the 2003 Report from Dr. Chory, that she realized her almost 31-year career has been plagued by  
12 blatant gender discrimination, which was endorsed either implicitly or explicitly by the  
13 Administration and the Board of Trustees.

14           **The Salk Institute Thwarts the Careers of its Female Faculty by Promoting Females at**  
15           **Much Slower Rates than its Male Faculty**

16           33.     The faculty hierarchy at the Salk Institute increases in rank from Assistant Professor  
17 to Associate Professor to Full Professor. Professors at all levels establish and manage individual  
18 laboratories and are required to hire and pay their staff, conduct research, and publish their findings  
19 in peer-reviewed journals, among other responsibilities. Only Full Professors receive tenure and are  
20 eligible for Endowed Chairs and leadership positions on faculty committees.

21           34.     Unfortunately, over the years, the Salk Institute has consistently discouraged female  
22 faculty from seeking promotions, promoted females at slower rates than males, denied female  
23 faculty promotions, and/or encouraged female faculty to leave the Salk Institute, severely limiting  
24 the number of females in the pipeline for promotion to Full Professor.

25           35.     In fact, since 1999, only one female has been promoted to Full Professor (Dr.  
26 Emerson) and only one female has been hired as a Full Professor (Dr. Lundblad, hired in 2004).

27           36.     The 2003 Report specifically addressed this issue, concluding that female Assistant  
28 Professors had to work an average of 1.2 years longer than male Assistant Professors (6.4 years vs.

1 5.6 years) to be promoted to Associate Professor, and female Associate Professors had to work an  
2 average of 1.7 years longer than male Associate Professors (5.3 years vs. 3.6 years) to be promoted  
3 to Full Professor, putting females several years behind their male counterparts in receiving the  
4 professorial benefits. The 2003 Report also noted 70% of male faculty were promoted to Full  
5 Professor ahead of the stated guidelines, while only one woman had ever been promoted ahead of  
6 schedule.

7 37. Dr. Emerson personally experienced this lag in promotion time. She had to work  
8 nearly seven years as an Assistant Professor before being promoted to Associate Professor, and  
9 nearly seven years as Associate Professor before being promoted to Full Professor. In total, it took  
10 Dr. Emerson almost five years longer than the average male faculty member to become a Full  
11 Professor at the Salk Institute.

12 38. The Faculty Issues Subgroup of the Community and Culture Committee also  
13 addressed this issue in the 2016 Report, noting that in the past six years, the Salk Institute hired 3.75  
14 male faculty members for every female appointment, and that all current female Full Professors had  
15 been hired as Assistant Professors over 30 years prior, except for Dr. Lundblad. As the 2016 Report  
16 concluded, *“This statement alone is indicative of a substantial and long-standing problem in  
17 recruiting, promoting and retaining women faculty.”*

18 **The Salk Institute Pays Female Full Professors Significantly**  
19 **Less Than Their Male Counterparts**

20 39. On information and belief, when Dr. Jones was hired by the Salk Institute in 1986  
21 (the same year Dr. Emerson was hired), the Assistant to the Chief Financial Officer told her that  
22 female faculty were paid less and given fewer resources than male faculty. This was confirmed in  
23 2009, when Human Resources informed Dr. Emerson and Dr. Jones that they were among the six  
24 lowest paid Full Professors at the Salk Institute despite having years of seniority over many of the  
25 male Full Professors.

26 40. In fact, the Salk Institute’s IRS Form 990s show that Dr. Emerson has earned less  
27 total compensation than her male counterparts for years (and likely her entire career at the Salk  
28 Institute). On information and belief, by 2014, Dr. Emerson’s total compensation was about 50%

1 less than the highest paid male Full Professor (Dr. Inder Verma) as listed on the 2014 IRS Form  
2 990.

3 41. Further, by 2015, at least one of the 2009 lowest paid male Full Professors, as  
4 reported by Human Resources, was being paid a higher base salary than Dr. Emerson, despite being  
5 ten years her junior in seniority.

6 42. Additionally, in 2016, Dr. Emerson was informed that certain male Full Professors  
7 are also paid yearly “retention payments.” Dr. Emerson has never received a retention payment from  
8 the Salk Institute despite her nearly 31 years of loyal service. The Salk Institute also provides  
9 incentive-based compensation and laboratory funding. Yet, the policies describing eligibility for  
10 incentive-based compensation and retention payments and the process for making these decisions  
11 are completely non-transparent.

12 **The Salk Institute Intentionally Disadvantages Female Full Professors’ Laboratories**  
13 **Through Inequitable Resource Distribution and Exclusion from**  
14 **High-Value Funding Opportunities**

15 43. Research laboratories at the Salk Institute are funded by federal and state grants,  
16 private foundations and donors, and the Salk Institute itself (via interest from the endowment and  
17 indirect cost awards from NIH grants). Deficits in laboratory funding are covered by the Salk  
18 Institute (called “bridge funding”), at the discretion of the Administration.

19 44. As stated in Dr. Emerson’s employment contract with the Salk Institute, “While it is  
20 assumed that you *and the Institute* will use best efforts to assure that your salary continues to come  
21 from appropriate grants, contracts and other outside sources, the portion of salary not so provided  
22 by outside sources will be provided from Salk Institute funds.” (Emphasis added.)

23 45. A laboratory’s success and competitiveness depends upon these various sources of  
24 funding. The funds are used to hire research staff (usually Post-Doctoral fellows and graduate  
25 students), which increases the laboratory’s ability to make significant discoveries and publish their  
26 findings in scientific journals, and thereby increases the odds for continued and additional research  
27 funding. Thus, smaller laboratories are at a significant competitive disadvantage in terms of  
28 productivity, funding, and career potential. In fact, the Salk Institute considers these small  
laboratories to be “non-sustainable.”

## Grant Funding

1  
2 46. Most Professors must continuously apply for grants to maintain the funding required  
3 to run their laboratories. NIH grants are especially valuable because they pay direct costs (*e.g.*,  
4 salaries, equipment, and supplies), and then pay a separate amount equal to 94% of the direct costs  
5 for indirect costs (*e.g.*, facilities, maintenance, and administrative expenses). Competition for grant  
6 funding is unrestricted, meaning all Professors are eligible to apply.

7 47. The NIH “Grants Policy Statement” requires organizations that receive NIH funding  
8 to comply with various statutes, including the Educational Amendments of 1972, which provide that  
9 no person shall, on the basis of sex, be excluded from participation in, denied the benefits of, or  
10 subjected to discrimination under any educational program or activity receiving federal financial  
11 assistance. The NIH may revoke or cease funding, and even suspend or disbar an institution from  
12 receiving funds, due to a recipient’s violation of an applicable law, regulation, or policy, which  
13 constitutes a failure to comply with the terms and conditions of the award.

14 48. The NIH recently restated its requirement that “grantee institutions, PIs and others  
15 responsible for the administration of these funded activities identify and eliminate barriers to  
16 participation in order to provide a non-discriminatory research and research-related environment.”

17 49. The NIH Grants Policy Statement also requires recipients to comply with its cost  
18 principles. Under these principles, direct and indirect costs are only allowed if they are reasonable,  
19 allocable to a specific grant, treated consistently for all work of the organization under similar  
20 circumstances, and conform with the limitations and exclusions contained in the terms and  
21 conditions of the award.

22 50. When a Professor is awarded an NIH grant, there is absolutely no transparency as to  
23 how the Salk Institute utilizes the indirect cost award, and therefore, no transparency to determine  
24 whether any of the indirect costs are actually allocated to the Professor’s laboratory, or instead, used  
25 to support male Professors’ laboratories to the detriment of female Professors. On information and  
26 belief, the Salk Institute does not always abide by the NIH’s cost principles when allocating the  
27 indirect costs awarded from grants received by female Full Professors.

28

1           51.     First, female Full Professor laboratories are among the smallest laboratories at the  
2 Salk Institute *despite each female Full Professor maintaining almost continuous NIH grant*  
3 *funding*. Currently, Dr. Emerson’s laboratory employs two staff members, Dr. Jones’ laboratory  
4 employs four staff members, and Dr. Lundblad’s laboratory employs four staff members. In contrast,  
5 the male Full Professors’ laboratories have an average of 11 staff members, and at least six of their  
6 laboratories have between 16 and 53 staff members, although *many of these male Full Professors*  
7 *maintain little NIH funding*. Male Full Professors with comparable amounts of NIH funding to  
8 female Full Professors have laboratories that are two to three times larger.

9           52.     The expectation is that a median Salk Institute laboratory should have two NIH grants  
10 per faculty member, sustaining around 8.5 staff members. Yet, female Full Professors with two NIH  
11 grants are limited to four staff members, which is an insufficient size to renew existing grants. As  
12 the 2016 Report concluded, this is evidence of “significant gender-specific bias.” The Finance  
13 Committee’s 2016 White Paper also concluded that this was evidence that “*the mechanism for*  
14 *distribution of Institute resources may not be gender-neutral.*”

15           53.     Furthermore, as Dr. Emerson nears the expiration of her contract, she has been  
16 repeatedly forced to reduce her laboratory staff without explanation. Dr. Emerson’s laboratory  
17 routinely had six to eight staff members until 2012. But, in 2012, former President Brody summoned  
18 Dr. Emerson into his office and stated that he did not know how much longer the Salk Institute could  
19 support her laboratory, even though she had two NIH grants at the time and more NIH funding per  
20 staff member than many male Full Professors. Since 2012, Dr. Emerson has been forced to  
21 successively fire staff, ultimately reducing her laboratory size by 75% to two staff members (not  
22 counting herself).

23           54.     Other female Full Professors have also been forced to reduce their laboratory staffs.  
24 In approximately 2013, Dr. Jones (age 62) was forced to reduce her laboratory by 50%, from eight  
25 staff members to four staff members. In recent years, Dr. Lundblad (age 64) has also been forced to  
26 reduce her laboratory by 67%, from twelve staff members to four staff members. To the best of Dr.  
27 Emerson’s knowledge, no male Full Professor has had to make such Draconian cuts in the size of  
28 his laboratory.





1 The largesse bestowed upon this hand-picked subset of male Full Professors enables them to sustain  
2 laboratories much larger than those of Dr. Emerson and Drs. Jones and Lundblad.

3 60. In November 2015, Ms. Newman disclosed to the Board of Trustees that the Salk  
4 Institute had raised millions of dollars in private donations, and cited individual awards between one  
5 to six million dollars each to specific male Full Professors, including members of the External  
6 Relations Committee. Indeed, fund-raising efforts by External Relations to provide substantial  
7 support to individual laboratories through “Endowed Laboratory Proposals” are made for select  
8 male Full Professors but not for any female Full Professors.

9 61. Female Full Professors, on the other hand, have been excluded from virtually all  
10 high-value private donor funding opportunities, which have a restricted application process that  
11 necessitates the Salk Institute’s backing. For example, in 2013, 20 faculty members were chosen to  
12 apply for a grant from the Helmsley Charitable Trust. No female Full Professors were selected to  
13 apply for the initial grant (which awarded \$42 million to the Salk Institute) or for the more recent  
14 2016 grant renewal (which awarded \$25 million to the Salk Institute). In fact, almost all other faculty  
15 members in the two departments in which Dr. Emerson and Drs. Jones and Lundblad work were  
16 included in the Helmsley grant. These three female Full Professors were specifically excluded  
17 without either External Relations or the three senior male lead investigators (Full Professors) of the  
18 grant even requesting updates on their current research to determine whether it would be appropriate  
19 to include them in the application.

20 62. Instead, female Full Professors are typically only given the opportunity to apply for  
21 small *private* grants in the range of \$10,000 to \$50,000.

22 63. Female Full Professors are also excluded from many opportunities to meet potential  
23 high-value donors, which include speaking at events such as the “Salkexcellerators” private  
24 receptions and attending the annual Salk Institute International Council meetings and other  
25 nationwide and international events. Instead, as the 2016 Report pointed out, these events are  
26 reserved for a small subset of “go-to faculty” (*i.e.*, including the same few senior male Full  
27 Professors), selected by External Relations through the few senior male Full Professors who unduly  
28 influence these decisions. In Dr. Emerson’s nearly 31-year history at the Salk Institute, she has been

1 dispatched to a fundraising event outside of San Diego only once, in 2003. Some male Full  
2 Professors are sent to such events several times a year.

3 64. Further, on information and belief, due to the lack of transparency at the Salk  
4 Institute, the Salk Institute usurps some private donations intended for female Full Professors  
5 without the female Full Professor ever knowing about them. For example, on several occasions, Dr.  
6 Emerson was told to write research progress reports for private donors she was unaware supported  
7 her research and that she had never met.

### 8 **Endowed Chairs**

9 65. Many private foundations have established Endowed Chairs, which provide Full  
10 Professors with stable funding to support their salaries so that they can focus on their research. The  
11 Salk Institute currently has 27 Endowed Chairs,<sup>6</sup> which each have a \$3 million funding minimum.

12 66. There are no objective metrics to determine how Endowed Chairs are awarded. There  
13 is no correlation between the Full Professor's seniority, ability to generate grant funding,  
14 publications in high-profile journals, or receipt of prestigious awards or accolades. Instead, the  
15 Administration awards Endowed Chairs based on unknown subjective metrics poisoned with bias  
16 against female Full Professors.

17 67. Thirteen years ago, the 2003 Report specifically addressed the fact that all Endowed  
18 Chairs had only been awarded to male faculty, despite employing five worthy female Full Professors  
19 at the time. This male dominance has continued. In fact, up until 2013, no female Full Professor had  
20 ever been awarded an Endowed Chair.

21 68. Dr. Emerson had to work for the Salk Institute as a Full Professor for 14 years (and  
22 27 years in total) before she received the first Endowed Chair awarded to a female Full Professor in  
23 2013. Dr. Lundblad worked as a Full Professor for ten years before she received her Endowed Chair  
24 in 2014. In 2015, Dr. Ursula Bellugi (now *Emerita*), who has worked for the Salk Institute almost  
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27  
28 <sup>6</sup> Excluding developmental chairs, which are solely awarded to junior faculty, and honorary  
chairs, which do not provide any funding.

1 since its establishment, was only awarded a non-funded “Honorary” Chair. Dr. Jones, who has  
2 worked for the Salk Institute for over 30 years, still has not received an Endowed Chair.

3 69. Meanwhile, the Salk Institute awarded Endowed Chairs to male Full Professors who  
4 were with the Salk Institute for as little as two years, and who are significantly junior to all female  
5 Full Professors, including Dr. Emerson. As the 2016 Report noted, this skewed timeline for  
6 awarding Endowed Chairs is also evidence of “gender-specific bias.”

7 **The Salk Institute Encourages Male-Dominance by Denying Female Full Professors the**  
8 **Opportunity to Serve in Leadership Positions**

9 70. There are numerous leadership opportunities at the Salk Institute including positions  
10 within its Academic Council, nine standing faculty committees, and the Salk Institute Cancer  
11 Center. However, as the 2016 Report pointed out, there is “a complete lack of gender diversity in  
12 leadership positions.” Female Full Professors are regularly excluded from these leadership  
13 opportunities.

14 71. The Academic Council represents the faculty to the Administration and Board of  
15 Trustees and formulates the Salk Institute’s academic policies. It has a Faculty Chair position, which  
16 is an elected leadership position chosen by all Salk Institute faculty. In 2014, Dr. Emerson was  
17 elected by her peers to serve as Faculty Chair from April 2015 to April 2016. Dr. Emerson was only  
18 the second female Full Professor to ever serve in this leadership position since the inception of the  
19 Academic Council in 1989 and she endured a considerable amount of hostility and marginalization  
20 from the Administration and some male Full Professors during her term.

21 72. The Salk Institute’s nine standing faculty committees have a considerable amount of  
22 power, including determining recruitments and promotions (the Appointments Committee), the Salk  
23 Institute’s scientific direction (the Academic Planning Committee), and the distribution of  
24 laboratory space (the Space Committee). Each committee has a Chair and a Co-Chair or Vice Chair  
25 position held by Full Professors. In 2017, no chair position was held by a female Full Professor. In  
26 Dr. Emerson’s nearly 31 years with the Salk Institute, she has never been appointed to a faculty  
27 committee leadership position.  
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1           73. Further, there are no term limits for faculty committee leadership positions, allowing  
2 male Full Professors to chair these powerful committees for up to 10 to 15 years. As the 2016 Report  
3 noted, “This promotes a culture in which a small subset of faculty [*i.e.*, senior male Full Professors]  
4 play a disproportionately large role in academic governance.”

5           74. The Salk Institute’s NCI-designated Cancer Center comprises about half of the  
6 research at the Salk Institute. Currently, 19 male Full Professors and all three female Full Professors  
7 are members of the Cancer Center, and only seven of these Full Professors have active or recent  
8 NCI funding. Dr. Emerson and Dr. Jones are two of these Full Professors with active or recent NCI  
9 funding.

10           75. The Cancer Center has seven leadership positions, including the position of Director.  
11 Despite having NCI funding and significant experience in cancer research, Dr. Emerson and Drs.  
12 Jones and Lundblad have been consistently denied leadership positions at the Cancer Center,  
13 although they have requested them on numerous occasions. In fact, all leadership positions at the  
14 Cancer Center have *always* been held by male Full Professors, many of which are junior to Drs.  
15 Emerson, Jones, and Lundblad, causing them to complain to the Director about the lack of diversity.  
16 This blatant gender discrimination led Dr. Jones to resign from the Cancer Center in 2015, although  
17 her name still appears on the Salk Cancer Center website, presumably because of her NCI grants  
18 that greatly benefit the Cancer Center.

19           **Dr. Emerson Was Forced to Endure Further Gender Discrimination and a Hostile**  
20           **Environment Perpetuated by the Salk Institute Administration and Senior Male Full**  
21           **Professors after She was Elected to a Position of Power**

22           76. In rare instances that a female Full Professor obtains a position of power at the Salk  
23 Institute, she is undermined, disrespected, and treated unequally from her male predecessors and  
24 successors. Dr. Emerson experienced this when she assumed the Faculty Chair position on the  
25 Academic Council in April 2015. Among other things:

26           (a) President Brody intentionally diminished and belittled Dr. Emerson by failing  
27 to attend *any* of the faculty meetings during Dr. Emerson’s term, in violation of the By-Laws and in  
28 direct contrast with his giving a “President’s Report” at every quarterly faculty meeting chaired by  
her male predecessors.

1 (b) Dr. Emerson was prevented from attending all four Executive Committee  
2 meetings of the Board of Trustees, in violation of the By-Laws. The Administration and/or President  
3 Brody either failed to inform her of the meetings or told her the meeting had been cancelled.

4 (c) The Administration refused to provide Dr. Emerson with the information she  
5 needed to do her job, including Salk Institute space diagrams, information about laboratory sizes,  
6 information about how Fellows are funded, and copies of the External Relations Department's  
7 presentations to the Academic Council.

8 (d) Though all prior male Faculty Chairs or Chair-Elects were responsible for  
9 overseeing laboratory space assignments, Dr. Emerson, as Chair-Elect, was stripped of this  
10 responsibility by her male predecessor, who formed a special "Space Committee" and appointed an  
11 un-elected male Full Professor to oversee this new committee. As Chair-Elect, Dr. Emerson was  
12 excluded from all discussions and decisions about the distribution of laboratory space through the  
13 Space Committee.

14 (e) Tellingly, President Brody took issue with Dr. Emerson's "Academic  
15 Council Goals: 2015-16," in which she, as Faculty Chair, delineated a goal to include more female  
16 Full Professors in leadership roles, contemptuously stating that "boys control committees and boys  
17 choose boys."

18 **The Salk Institute's Undefined Policies Have Allowed this Pattern and Practice**  
19 **of Gender Discrimination to Continue for Decades**

20 77. In addition to discussing the rampant gender discrimination, the 2016 Report also  
21 reported on issues of governance and transparency. Specifically, because many academic policies  
22 at the Salk Institute are not in writing, they are subject to multiple interpretations, resulting in  
23 inconsistent, non-transparent, and discriminatory governance. For example:

24 (a) There are no policies regarding faculty recruitment, allowing the Salk  
25 Institute to hire 3.5 male faculty for every one female faculty member in the past six years.

26 (b) There are no annual faculty performance reviews, giving the Administration  
27 and the Board of Trustees maximum latitude to make subjective biased decisions regarding  
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1 promotions, pay raises, Endowed Chair awards, and leadership appointments. This is in sharp  
2 contrast to most other scientific institutes in the Salk Institute’s peer group.

3 (c) There are no written policies regarding private donor funding opportunities,  
4 which, unlike federal and state grants, are not open to all faculty members. Instead, the Salk Institute  
5 endows certain influential male Full Professors and administrators with the power to select the lucky  
6 applicants without any transparency or stated objective metrics to guide their decisions.

7 (d) There are no established term limits for faculty committee positions,  
8 indefinitely limiting power to a select group of senior male Full Professors.

9 (e) There are also no clear policies and there is no accountability for the  
10 distribution of laboratory space, bridge funding, private donor funding, or indirect cost awards,  
11 allowing the Salk Institute to make distributions with little to no oversight.

12 (f) There are no criteria or policies governing the category of “Special  
13 Arrangements for Individual [Private Investigators]” or permanent “bridge funding,” which benefit  
14 only those favored senior male Full Professors who cannot support their large laboratories with their  
15 own NIH funding, or lack thereof.

16 **The Administration and the Board of Directors Have Knowingly Violated the Salk**  
17 **Institute’s Policies and Allowed Gender Discrimination to Continue for Years**

18 78. The Salk Institute’s By-Laws vest all corporate powers in the Board of Trustees,  
19 “which shall control the property and manage the affairs of the Corporation.” *See* “By-Laws of The  
20 Salk Institute for Biological Studies, San Diego California, April 17, 2015,” Article IV, Section 1.  
21 Irwin Jacobs was the Chairman of the Board of Trustees from November 2006 to November 2016  
22 and is currently serving on the Board of Trustees as Chairman Emeritus. The President and Faculty  
23 Chair also serve on the Board of Trustees, among other elected members.

24 79. The Salk Institute’s “Suggested Roles and Responsibilities of a Board of Trustee  
25 Member: Criteria for Board Service” states that the Board of Trustees is charged with establishing  
26 overall policies, implementing a strategic plan with identified goals and objectives, evaluating the  
27 Salk Institute’s performance once policies are established, providing financial and investment  
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1 oversight, and “upholding the Salk Institute Code of Ethics and setting the ethical tone for the Salk,  
2 the management, and the employees of the Salk.”

3         80. The Salk Institute’s “Guidelines for the Board of Trustees” again emphasizes that the  
4 Board of Trustees is responsible for setting the ethical tone for the Salk Institute, and charges the  
5 Board of Trustees with establishing policies to encourage all personnel to alert management and the  
6 Board of Trustees of ethical issues and potential violations of the law, without fear of retribution.

7         81. In addition to the Salk Institute’s “Policy Prohibiting Harassment, Discrimination  
8 and Retaliation,” the Salk Institute’s “Code of Ethics” also requires that it “provide equal  
9 employment opportunities to all employees” in “all aspects of employment, including, but not  
10 limited to, hiring, job assignment, compensation, promotion, benefits, training, discipline and  
11 termination.” The Code also prohibits the Salk Institute from engaging in unfair methods of  
12 competition and unfair or deceptive acts or practices, and requires that staff members maintain and  
13 report accurate financial information. Staff members are “personally responsible” for bringing any  
14 instance, occurrence, or practice that they in good faith believe is a violation of the Ethics Code to  
15 the attention of management. The Salk Institute vows to ensure a thorough and timely investigation  
16 and resolution.

17         82. Dr. Emerson, as a faculty member, Faculty Chair of the Academic Council, and  
18 Member of the Board of Trustees, upheld her fiduciary duties and ethical responsibilities to alert  
19 management and the Board of Trustees of ethical issues and potential violations of the law by  
20 repeatedly complaining about the rampant gender discrimination. Among other complaints:

21                 (a) In May 2016, Dr. Emerson and Drs. Jones and Lundblad met with President  
22 Blackburn to complain about the lack of resources for their laboratories based on their gender, and  
23 Dr. Emerson’s and Dr. Jones’ lower salaries. Although President Blackburn told them that they were  
24 each “outstanding scientists,” she was unable or unwilling to remedy these issues.

25                 (b) President Blackburn later commissioned the Community and Culture  
26 Committee (one of several committees established by her), from which the “Faculty Issues”  
27 Subgroup emerged. Dr. Emerson was asked to chair the Faculty Issues Subgroup, comprised of five  
28 other faculty members, and wrote a White Paper on “Diversity and Inclusion,” which included

1 gender discrimination issues. Dr. Emerson compiled the evidence and prepared the 2016 Report,  
2 which was delivered to President Blackburn in June 2016 with the understanding that the 2016  
3 Report would be sent to Chairman Jacobs and certain Board members to discuss at the August 2016  
4 Board meeting. The 2016 Report provided evidence of the Salk Institute's substantial and long-  
5 standing gender discrimination against female Full Professors. However, neither President  
6 Blackburn nor Chairman Jacobs ever questioned Dr. Emerson about the 2016 Report, presented the  
7 2016 Report to the Board of Trustees, or otherwise notified the Board of Trustees of the 2016  
8 Report's findings.

9 (c) As recently as November 2016, Dr. Emerson also questioned the Finance  
10 Committee of the Board of Trustees (on which she served, along with President Blackburn and  
11 Chairman Jacobs) about the Salk Institute's annual budgets to determine how resources are allocated  
12 in an attempt to identify and remedy discriminatory allocations. Dr. Emerson asked specific  
13 questions about ambiguous budget categories such as "Special Arrangements," "Special Payments,"  
14 and "Individual PI agreements for Institute Funding," but received no response. Dr. Emerson also  
15 pointed out that although the Salk Institute's endowment has performed poorly for years,  
16 government grant funding has decreased significantly, and the number of faculty members has  
17 decreased, the amount of money budgeted for the Administrative Expenses has increased and  
18 budgets for direct research have decreased. Furthermore, certain members of the Administration  
19 continue to receive high salaries and yearly bonuses.

20 83. In violation of the Salk Institute's "Policy Prohibiting Harassment, Discrimination  
21 and Retaliation" and the "Code of Ethics," the Administration and the Board of Trustees have never  
22 investigated the findings of the 2003 Report, the 2016 Report, or the Finance Committee's 2016  
23 White Paper, and have not taken any corrective actions to stop or remedy the discrimination or  
24 prevent it from continuing.

25 **The Salk Institute Retaliated Against Dr. Emerson by Denying her Request for a Contract**  
26 **Extension, Thereby Wrongfully Terminating Dr. Emerson's Employment After She Made**  
27 **Numerous Complaints of Gender Discrimination and Filed this Lawsuit**

28 84. During Dr. Emerson's May 2016 meeting with President Blackburn regarding gender  
discrimination, Dr. Emerson and President Blackburn also discussed Dr. Emerson's current funding,



1 future research plans, and Dr. Emerson's desire to keep her laboratory viable and productive. Dr.  
2 Emerson complained that the External Relations Department had largely ignored female Full  
3 Professors' laboratories over the years and failed to provide female Full Professors with the same  
4 fundraising support it provided to male Full Professors. This resulted in the Salk Institute forcing  
5 female Full Professors to drastically reduce their staff. Dr. Emerson told President Blackburn that  
6 she believed the reason for the lack of fundraising support and staff reductions was to force female  
7 Full Professors into the Death Spiral so that the Salk Institute could deny their requests for contract  
8 extensions at the end of their tenure.

9 85. In response, President Blackburn told Dr. Emerson to "forget about" the External  
10 Relations Department and promised to get money for Dr. Emerson. President Blackburn asked Dr.  
11 Emerson to write a research initiative that President Blackburn could present to potential donors.

12 86. In December 2016, Dr. Emerson submitted her "Cancer Ecosystems" initiative to  
13 President Blackburn, who said it clearly looked like it would be one of the Salk Institute's Next 50  
14 Science Initiatives to be presented to the Board of Trustees and promised to send it to the Science  
15 Initiatives Implementation Task Force. President Blackburn also opined on the best ways to present  
16 Dr. Emerson's proposal to potential donors to maximize fundraising effectiveness.

17 87. Thereafter, Dr. Emerson worked for months with President Blackburn's Task Force,  
18 including preparing a five-year budget and a lay summary for her initiative, at the Task Force's  
19 request. When preparing the budget, the Task Force told Dr. Emerson she had "the freedom to ask  
20 for whatever [Dr. Emerson] like[d], the bigger the better so the team can budget accordingly" and  
21 asked Dr. Emerson about her preferences regarding a new faculty hire to potentially expand the  
22 research initiative. In making these preparations, Dr. Emerson reasonably believed the Salk Institute  
23 intended to extend her employment contract so that her laboratory could work on the initiative.

24 88. However, by May 2017 (after the Salk Institute learned that Dr. Emerson may be  
25 filing a lawsuit against it), the Task Force and President Blackburn stopped communicating with  
26 Dr. Emerson regarding her initiative despite Dr. Emerson's multiple follow-up requests regarding  
27 the status of her initiative and her contract extension. On July 18, 2017, Dr. Emerson filed this  
28 lawsuit.

1           89.     On August 11, 2017, after months of silence, the Task Force requested that Dr.  
2 Emerson review a one-page summary it had prepared regarding her initiative, to be presented to the  
3 Board of Trustees. The summary described Dr. Emerson's initiative as the Salk Institute's "new  
4 view on cancer," but unfortunately, made no mention whatsoever of Dr. Emerson. Instead, a quote  
5 by a male Full Professor was misleadingly placed next to the summary. Confused, Dr. Emerson  
6 contacted President Blackburn and asked what her functional role was to be in the initiative and  
7 about her request for a contract extension. Again, President Blackburn was silent.

8           90.     Finally, on September 14, 2017, Dr. Emerson met with President Blackburn, Chief  
9 Financial Officer Kim Witmer, and Chief Scientific Officer Martin Hetzer regarding her request for  
10 a contract extension. President Blackburn informed Dr. Emerson that her request had been denied,  
11 claiming Dr. Emerson failed to meet the Salk Institute's Post-Tenure Faculty Guidelines which state  
12 that "[t]he academic post-tenure professorial rank will *typically* be reserved for those with 50% or  
13 more of external salary funding." (emphasis added) Just as Dr. Emerson predicted, she had been  
14 forced into the Death Spiral. Upon information and belief, unlike Dr. Emerson and the female Full  
15 Professors before her, the Salk Institute assisted and supported the males who were up for contract  
16 extensions in obtaining external salary funding or made exceptions to the guidelines on their  
17 behalves. Upon information and belief, these male professors include, but are not limited to, Geoff  
18 Wahl, Jean Rivier, and David Schubert.

19           91.     In response, Dr. Emerson pointed out that the reason she wrote the initiative one-  
20 year prior was because President Blackburn promised to help fundraise for Dr. Emerson's  
21 laboratory, like the External Relations Department did for her male peers. When Dr. Emerson asked  
22 President Blackburn why she had not fundraised for her initiative, as promised, President Blackburn  
23 callously replied that "anyone can write an initiative, but it doesn't mean that we will fundraise for  
24 it." Dr. Emerson's wrongful termination was confirmed, in writing, on September 27, 2017.

25           92.     As such, Dr. Emerson's over 30-year career with the Salk Institute was wrongfully  
26 terminated on December 31, 2017. As a result, Dr. Emerson has suffered and continues to suffer  
27 lost wages, humiliation, embarrassment, loss of enjoyment of life, emotional distress, and mental  
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1 anguish. Dr. Emerson is a victim of Defendant’s unlawful practices and therefore brings this action  
 2 to recover damages, restitution, and injunctive and declaratory relief.

3  
 4 **FIRST CAUSE OF ACTION**  
**Gender Discrimination (Disparate Treatment) and Wrongful Termination**  
**In Violation of California Government Code §12940(a)**

5 93. Dr. Emerson re-alleges and incorporates herein by reference each and every  
 6 allegation in the preceding and subsequent paragraphs.

7 94. Government Code §12940 states in pertinent part: “It is an unlawful employment  
 8 practice ... [f]or an employer, because of the ... gender ... of any person ... to discharge the person  
 9 from employment ... or to discriminate against the person in compensation or in terms, conditions,  
 10 or privileges of employment.” Government Code §12940(a).

11 95. At all relevant times mentioned herein, Dr. Emerson, who is female, was in a class  
 12 of persons protected by Government Code §12940 because of her gender, and Defendant was aware  
 13 of her gender.

14 96. As set forth above, and in violation of Government Code §§12940 *et. seq.*, Defendant  
 15 discriminated against Dr. Emerson on the basis of her gender. Among other discrimination, Dr.  
 16 Emerson was: (1) promoted at a slower rate than her male counterparts; (2) compensated less than  
 17 her male counterparts in both wages and benefits; (3) deprived of her fair share of resources,  
 18 including donor funding and laboratory space; (4) blocked from high-value funding opportunities  
 19 from private donors and foundations; (5) denied leadership and professional advancement  
 20 opportunities; (6) forced to work in a hostile environment in which Dr. Emerson was undermined,  
 21 disrespected, disparaged, and treated unequally; (7) forced to suffer a loss of professional reputation;  
 22 and (8) denied her request for a contract extension, wrongfully terminating her employment  
 23 effective December 31, 2017.

24 97. As a proximate result of Defendant’s wrongful conduct, Dr. Emerson has suffered,  
 25 and continues to suffer, substantial losses in earnings and job benefits, and potential career  
 26 opportunities, in an amount to be determined according to proof at the time of trial.

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1 Defendant's employment practices and/or policies caused female Full Professors to be: (1) promoted  
2 at slower rates than their male counterparts; (2) paid less than their male counterparts in both wages  
3 and benefits; (3) deprived of their fair share of resources, including donor funding and laboratory  
4 space; (4) blocked from high-value funding opportunities from private donors and foundations; (5)  
5 denied leadership and professional advancement opportunities for which they were qualified; (6)  
6 forced to work in a hostile environment in which they were undermined, disrespected, disparaged,  
7 and treated unequally; (7) forced to suffer a loss of their professional reputations; and (8) denied  
8 requests for contract extensions, thereby wrongfully terminating their employment.

9 105. As a proximate result of Defendant's wrongful conduct, Dr. Emerson has suffered,  
10 and continues to suffer, substantial losses in earnings and job benefits, and potential career  
11 opportunities, in an amount to be determined according to proof at the time of trial.

12 106. As a further proximate result of Defendant's calculated, contemptable, and  
13 loathsome conduct, Dr. Emerson has suffered, and continues to suffer, humiliation, embarrassment,  
14 loss of enjoyment of life, emotional distress, and mental anguish, all in an amount to be determined  
15 according to proof at the time of trial.

16 107. In performing the acts alleged herein, Defendant acted with oppression, fraud,  
17 malice, and with conscious disregard for the rights of Dr. Emerson, and Dr. Emerson is therefore  
18 entitled to punitive damages against Defendant in an amount commensurate with Defendant's  
19 wrongful acts sufficient to punish and make an example of Defendant to deter further despicable  
20 conduct.

21 108. Dr. Emerson has sustained and continues to sustain legal expenses and attorney fees,  
22 in addition to other damages that may be sustained herein, and is also entitled to recover prevailing  
23 party attorney's fees and costs pursuant to Government Code §12965(b), as a result of Defendant's  
24 calculated, contemptable, and loathsome conduct.

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**THIRD CAUSE OF ACTION  
Retaliation and Wrongful Termination  
In Violation of California Government Code §12940(h)**

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109. Dr. Emerson re-alleges and incorporates herein by reference each and every allegation in the preceding and subsequent paragraphs.

110. Government Code §12940(h) makes it unlawful for an employer to discharge or otherwise discriminate against any person because the person has opposed any practices forbidden by the Fair Employment and Housing Act, Government Code §§12940, *et seq.*, including gender discrimination.

111. As set forth above, Dr. Emerson made numerous protected complaints to Defendant regarding gender discrimination including, but not limited to, unequal pay, unequal distribution of resources, and unequal access to leadership opportunities, and filed this lawsuit regarding the same. Unfortunately, Defendant took no action to protect Dr. Emerson. Instead, Defendant retaliated against Dr. Emerson and denied Dr. Emerson’s request for an employment contract extension, thereby wrongfully terminating Dr. Emerson’s employment. Dr. Emerson’s complaints and filing of this lawsuit were substantial motivating reasons for Defendant’s decision to deny Dr. Emerson’s request for an employment contract extension.

112. As a proximate result of Defendant’s wrongful conduct, Dr. Emerson has suffered, and continues to suffer, substantial losses in earnings and job benefits, and potential career opportunities, in an amount to be determined according to proof at the time of trial.

113. As a further proximate result of Defendant’s calculated, contemptable, and loathsome conduct, Dr. Emerson has suffered, and continues to suffer, humiliation, embarrassment, loss of enjoyment of life, emotional distress, and mental anguish, all in an amount to be determined according to proof at the time of trial.

114. In performing the acts alleged herein, Defendant acted with oppression, fraud, malice, and with conscious disregard for the rights of Dr. Emerson, and Dr. Emerson is therefore entitled to punitive damages against Defendant in an amount commensurate with Defendant’s wrongful acts sufficient to punish and make an example of Defendant to deter further despicable conduct.













1 which Dr. Emerson was undermined, disrespected, disparaged and treated unequally; (7) a loss of  
2 professional reputation; and (8) denial of her request for an employment contract extension. Dr.  
3 Emerson has dedicated nearly 31 years of her scientific career to Defendant, and in return, Defendant  
4 subjected Dr. Emerson to systemic marginalization to intentionally minimize her success. Salk also  
5 retaliated against Dr. Emerson by denying her request for an employment contract extension,  
6 thereby wrongfully terminating her employment, because she made protected complaints regarding  
7 gender discrimination and filed this lawsuit regarding the same. Further, Defendant has been on  
8 notice of the rampant gender discrimination for over a decade, yet has intentionally failed to prevent  
9 the discrimination from continuing.

10 151. As a proximate result of Defendant's calculated, contemptable, and loathsome  
11 conduct, Dr. Emerson has suffered, and continues to suffer, substantial losses in earnings, earning  
12 capacity, and other benefits of employment, all in an amount to be determined according to proof at  
13 the time of trial.

14 152. As a further proximate result of Defendant's wrongful conduct, Dr. Emerson has  
15 suffered and continues to suffer humiliation, embarrassment, loss of enjoyment of life, emotional  
16 distress and mental anguish, all in an amount to be determined according to proof at the time of trial.

17 153. In performing the acts alleged herein, Defendant acted with oppression, fraud,  
18 malice, and in conscious disregard of the rights of Dr. Emerson, and Dr. Emerson is therefore  
19 entitled to punitive damages against Defendant in an amount appropriate to punish and make an  
20 example of Defendant.

21 **NINTH CAUSE OF ACTION**

22 **Violation of the Unfair Competition Law,**  
23 **Business & Professions Code §§17200, et seq.**

24 154. Dr. Emerson hereby re-alleges and incorporates by reference the allegations  
25 contained in the paragraphs above, as if fully set forth herein.

26 155. Defendant is a "person" as defined under Bus. & Prof. Code §17021.

27 156. Each of the directors, officers, and/or agents of Defendant is equally responsible for  
28 the acts of the others as set forth in Bus. & Prof. Code §17095.

1           157. Defendant engaged in unlawful activity prohibited by Bus. & Prof. Code §§17200,  
2 *et seq.* The actions of Defendant as alleged within this Complaint constitute unlawful and unfair  
3 business practices with the meaning of Bus. & Prof. Code §§17200, *et seq.*

4           158. As described above, Defendant has conducted the following unlawful activities:

5                   (a) violation of Government Code §12940(a) by discriminating against and  
6 wrongfully terminating Dr. Emerson based on her gender;

7                   (b) violation of Government Code §12940(h) by retaliating against Dr. Emerson  
8 for making numerous protected complaints to Defendant regarding gender discrimination, including  
9 by filing this lawsuit;

10                   (c) violation of Government Code §12940(k) by failing to prevent discrimination  
11 and retaliation from occurring;

12                   (d) violation of Labor Code §1197.5(a) by discriminating against Dr. Emerson  
13 in payment based on her gender; and

14                   (e) violation of Labor Code §1197.5(k) by retaliating against and wrongfully  
15 terminating Dr. Emerson because she has taken actions to invoke or assist in any manner the  
16 enforcement of Labor Code §1197.5.

17           159. Defendant's activities also constitute unfair practices in violation of Bus. & Prof.  
18 Code §§17200, *et seq.*, because Defendant's practices violate the above noted laws, and/or violate  
19 an established public policy, and/or the practice is immoral, unethical, oppressive, unscrupulous,  
20 and substantially injurious to Dr. Emerson.

21           160. The identified violations of the Government and Labor Codes constitute business  
22 practices because they were done repeatedly over a period of time, and in a systematic manner to  
23 the detriment of Dr. Emerson.

24           161. As a result of Defendant's violations of the Government and Labor Codes, Dr.  
25 Emerson has suffered injury-in-fact and has lost money or property as a result of Defendant's  
26 practices. This injury-in-fact and loss of money or property consists of the lost wages and other  
27 restitutionary remedies provided by the Government and Labor Codes as detailed in this Complaint  
28 and other resulting harms. Dr. Emerson is entitled to restitution, an injunction, declaratory, and other

1 equitable relief against such unlawful practices to prevent future damage for which there is no  
2 adequate remedy at law.

3 162. As a result of its unlawful acts, Defendant has reaped and continues to reap unfair  
4 benefits and unlawful profits at the expense of Dr. Emerson. Defendant should be enjoined from  
5 this activity pursuant to Bus. & Prof. Code §17203.

6 163. As a direct and proximate result of the unfair business practices of Defendant, Dr.  
7 Emerson is entitled to equitable and injunctive relief, including full restitution of all wages which  
8 have been unlawfully lost as a result of the business acts and practices described herein, and  
9 enjoining Defendant to cease and desist from engaging in the practices described herein for the  
10 maximum time permitted pursuant to Bus. & Prof. Code §17208, including any tolling.

11 164. Dr. Emerson is also entitled to attorneys' fees and costs, pursuant to the private  
12 attorney general theory doctrine (Code of Civil Procedure §1021.5), and any other applicable  
13 provision for attorneys' fees and costs, based upon the violation of the underlying public policies.

14 **TENTH CAUSE OF ACTION**  
15 **Accounting**

16 165. Dr. Emerson hereby re-alleges and incorporates by reference the allegations  
17 contained in the paragraphs above, as if fully set forth herein.

18 166. "A cause of action for an accounting requires a showing that a relationship exists  
19 between the plaintiff and defendant that requires an accounting, and that some balance is due the  
20 plaintiff that can only be ascertained by an accounting." *Teselle v. McLoughlin*, 173 Cal. App. 4th  
21 156, 179 (2009).

22 167. As set forth above, an employment relationship exists between Dr. Emerson and  
23 Defendant. As stated in Dr. Emerson's employment contract with Defendant, "While it is assumed  
24 that you and the Institute will use best efforts to assure that your salary continues to come from  
25 appropriate grants, contracts and other outside sources, the portion of salary not so provided by  
26 outside sources will be provided from Salk Institute funds."

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**DEMAND FOR JURY TRIAL**

Plaintiff demands a trial by jury on all claims.

Dated: January 29, 2018

HAEGGQUIST & ECK, LLP  
ALREEN HAEGGQUIST  
JENNA M. RANGEL



By: \_\_\_\_\_  
ALREEN HAEGGQUIST

225 Broadway, Suite 2050  
San Diego, CA 92101  
Telephone: (619) 342-8000  
Facsimile: (619) 342-7878

Attorneys for Plaintiff

HAEGGQUIST & ECK, LLP



# EXHIBIT 1



**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
800-884-1684 | TDD 800-700-2320  
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

DIRECTOR KEVIN KISH

**AMENDED**

January 03, 2017

Jenna Rangel  
225 Broadway, Suite 2050  
San Diego California 92101

**RE: Notice to Complainant or Complainant's Attorney**

DFEH Matter Number: 153954-268847

Right to Sue: Emerson / The Salk Institute For Biological Studies, San Diego, California

Dear Complainant or Complainant's Attorney:

Attached is a copy of your complaint of discrimination filed with the Department of Fair Employment and Housing (DFEH) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue. Pursuant to Government Code section 12962, DFEH will not serve these documents on the employer. You or your attorney must serve the complaint. If you do not have an attorney, you must serve the complaint yourself. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California.

Be advised that the DFEH does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Department of Fair Employment and Housing



**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
800-884-1684 | TDD 800-700-2320  
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

DIRECTOR KEVIN KISH

**AMENDED**

January 03, 2017

**RE: Notice of Filing of Discrimination Complaint**

DFEH Matter Number: 153954-268847

Right to Sue: Emerson / The Salk Institute For Biological Studies, San Diego, California

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Department of Fair Employment and Housing (DFEH) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. This case is not being investigated by DFEH and is being closed immediately. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

**No response to DFEH is requested or required.**

Sincerely,

Department of Fair Employment and Housing



**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
800-884-1684 | TDD 800-700-2320  
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

DIRECTOR KEVIN KISH

**AMENDED**

January 03, 2017

Beverly Emerson  
12295 Misty Blue Court  
San Diego, California 92131

**RE: Notice of Case Closure and Right to Sue**

DFEH Matter Number: 153954-268847

Right to Sue: Emerson / The Salk Institute For Biological Studies, San Diego, California

Dear Beverly Emerson,

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective January 03, 2017 because an immediate Right to Sue notice was requested. DFEH will take no further action on the complaint.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

To obtain a federal Right to Sue notice, you must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this DFEH Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Department of Fair Employment and Housing



## DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758

800-884-1684 | TDD 800-700-2320

www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

DIRECTOR KEVIN KISH

**AMENDED**

Enclosures

cc:



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**Additional Complaint Details:**

Throughout her employment with Respondent, Ms. Emerson has been and continues to be discriminated against based on her gender. Among other discriminatory acts, Ms. Emerson has been denied equal pay, promoted at a slower rate than her male counterparts, denied an equitable distribution of resources, excluded from private funding opportunities, and excluded from leadership and professional advancement opportunities based on her gender.

1 VERIFICATION

2 I, **Jenna Rangel**, am the Attorney for Complainant in the above-entitled complaint.  
3 I have read the foregoing complaint and know the contents thereof. The same is  
4 true of my own knowledge, except as to those matters which are therein alleged on  
information and belief, and as to those matters, I believe it to be true.

5 On January 03, 2017, I declare under penalty of perjury under the laws of the State  
6 of California that the foregoing is true and correct.

7 **San Diego, CA**  
8 **Jenna Rangel**

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# EXHIBIT 2



## DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
(800) 884-1684 | TDD (800) 700-2320  
<http://www.dfeh.ca.gov> | email: [contact.center@dfeh.ca.gov](mailto:contact.center@dfeh.ca.gov)

January 26, 2018

Jenna Rangel  
225 Broadway 2050  
San Diego, California 92101

RE: **Notice to Complainant's Attorney**  
DFEH Matter Number: 845724-268847  
Right to Sue: Emerson / The Salk Institute For Biological Studies, San Diego,  
California

Dear Jenna Rangel:

Attached is a copy of your **amended** complaint of discrimination filed with the Department of Fair Employment and Housing (DFEH) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq.

Pursuant to Government Code section 12962, DFEH will not serve these documents on the employer. You or your client must serve the complaint.

The amended complaint is deemed to have the same filing date of the original complaint. This is not a new Right to Sue letter. The original Notice of Case Closure and Right to Sue issued in this case remains the only such notice provided by the DFEH. (Cal. Code Regs., tit. 2, § 10022.)

Be advised that the DFEH does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Department of Fair Employment and Housing

1                                   **COMPLAINT OF EMPLOYMENT DISCRIMINATION**  
2                                   **BEFORE THE STATE OF CALIFORNIA**  
3                                   **DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**  
4                                   **Under the California Fair Employment and Housing Act**  
5                                   **(Gov. Code, § 12900 et seq.)**

6 **In the Matter of the Complaint of**

7 Beverly Emerson

DFEH No. 845724-268847

8                                   Complainant,

9 vs.

10 The Salk Institute For Biological Studies, San  
11 Diego, California  
12 10010 N. Torrey Pines Road  
13 La Jolla, California 92037

14                                   Respondent.

15 1. Respondent **The Salk Institute For Biological Studies, San Diego, California**  
16 is an **employer** subject to suit under the California Fair Employment and Housing  
17 Act (FEHA) (Gov. Code, § 12900 et seq.).

18 2. Complainant **Beverly Emerson**, resides in the City of **San Diego** State of  
19 **California**.

20 3. Complainant alleges that on or about **December 31, 2017**, respondent took the  
21 following adverse actions:

22 **Complainant was discriminated against** because of complainant's sex/gender and  
23 as a result of the discrimination was terminated, denied hire or promotion, denied  
24 equal pay, denied a work environment free of discrimination and/or retaliation,  
25 denied any employment benefit or privilege, failed to give equal considerations in  
26 making employment decisions.

27 **Complainant experienced retaliation** because complainant reported or resisted  
28 any form of discrimination or harassment, participated as a witness in a  
discrimination or harassment claim and as a result was terminated, denied a work  
environment free of discrimination and/or retaliation, denied any employment benefit  
or privilege, failed to give equal considerations in making employment decisions.

1 **Additional Complaint Details:** Throughout her employment with Respondent, Dr.  
2 Emerson was discriminated against based on her gender. Among other  
3 discriminatory acts, Dr. Emerson was denied equal pay, promoted at a slower rate  
4 than her male counterparts, denied an equitable distribution of resources, excluded  
5 from private funding opportunities, and excluded from leadership and professional  
6 advancement opportunities based on her gender. After Dr. Emerson engaged in  
7 protected activity by making numerous complaints of gender discrimination to  
8 Respondent, and after filing a lawsuit against Respondent alleging gender  
9 discrimination on July 18, 2017, Dr. Emerson was further discriminated and  
10 retaliated against when Respondent denied her request for an employment contract  
11 extension. As a result, Dr. Emerson's employment wrongfully terminated on  
12 December 31, 2017.  
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1 VERIFICATION

2 I, **Jenna Rangel**, am the **Attorney for Complainant** in the above-entitled complaint.  
3 I have read the foregoing complaint and know the contents thereof. The same is true  
4 of my own knowledge, except as to those matters which are therein alleged on  
information and belief, and as to those matters, I believe it to be true.

5 On January 26, 2018, I declare under penalty of perjury under the laws of the State of  
6 California that the foregoing is true and correct.

7 **San Diego, CA**

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