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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MADY HORNIG, M.D.

Plaintiff,

vs.

TRUSTEES OF COLUMBIA UNIVERSITY IN THE CITY OF NEW YORK and WALTER IAN LIPKIN, M.D.

Defendants.

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COMPLAINT

17 CV 3602

Jury Trial Demanded

INTRODUCTION

1. Plaintiff Mady Hornig, M.D. ("Hornig" or "Plaintiff"), by her attorneys Brill & Meisel, brings this action charging defendants Walter Ian Lipkin, M.D. ("Lipkin") and the Trustees of Columbia University in the City of New York ("Columbia") with violation of Plaintiff's rights under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e ("Title VII"), and the Human Rights Law of the City of New York, New York City Admin. Code §§ 8-107 et seq. ("NYCHRL").

2. Plaintiff seeks declaratory and injunctive relief, together with legal relief.

JURISDICTION AND VENUE

3. This Court has jurisdiction over Plaintiff's Title VII claims pursuant to 42 U.S.C. §

2000e5(f), 28 U.S.C. §§ 1331 and 1343(a)(4).

4. This Court has supplemental jurisdiction over Plaintiff's NYCHRL claims pursuant to 28 U.S.C. § 1367.

5. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) & (c) as it is the judicial district where Columbia's principal place of business is located and where a substantial part of the acts and omissions giving rise to Plaintiff's claims occurred.

6. Plaintiff exhausted her administrative remedies pursuant to 42 U.S.C. § 2000e5(f)(3) by filing a Charge of Discrimination against Columbia (the "EEOC Charge") with the Equal Employment Opportunity Commission (EEOC) on April 29, 2016, a copy of which is attached as Exhibit 1, and receiving a Notice of Right to Sue on December 24, 2016 (Ex. 2).

7. The allegations in the EEOC Charge, including that Defendants' unlawful acts and omissions were ongoing, placed Defendants on notice of the issues raised in this complaint and gave Defendant Columbia an opportunity to investigate and address those issues.

8. Plaintiff's claims concerning events occurring after the EEOC Charge was filed are reasonably related to the claims made in the EEOC Charge.

9. On March 17, 2017, the parties entered into a Tolling Agreement (Ex. 3, the "Tolling Agreement"), effective as of March 13, 2017, which tolled the running of any unexpired statutes of limitations or limitations periods applicable to any of Plaintiff's claims based upon the allegations in the EEOC Charge or related claims under the NYCHRL while the Tolling Agreement remained in effect.

10. On May 8, 2017, Plaintiff gave notice of cancellation of the Tolling Agreement in accordance with paragraph 1 of that Agreement (Ex. 4).

11. Pursuant to the terms of the Tolling Agreement, the tolling period ended on May

15, 2017, resulting in a tolling period running from March 13, 2017 to May 15, 2017 (the "Tolling Period").

THE PARTIES

12. Defendant Columbia is a private research university whose principal place of operations is in the State, County and City of New York.

13. At all relevant times, Plaintiff Mady Hornig ("Hornig") was and is a female resident of the State, County and City of New York.

14. Plaintiff has been employed by defendant Columbia as an Associate Professor of Epidemiology at Columbia's Mailman School of Public Health ("Mailman") since July 1, 2002.

15. Plaintiff is also the Director of Translational Research at Mailman's Center for Infection & Immunity (the "Center" or "CII") and a member of the Center.

16. At all relevant times, Defendant Lipkin was and is a resident of the State, County and City of New York.

17. Lipkin is employed by Columbia as a Professor of Epidemiology at Mailman and as a Professor of Neurology and Pathology at Columbia's College of Physicians and Surgeons.

18. Lipkin is also the Director of the Center.

19. At all relevant times, Lipkin exercised managerial and supervisory authority over Plaintiff, with the power to directly affect the terms and conditions of her employment.

20. Defendants Lipkin and Columbia are herein referred to collectively as "Defendants."

MATERIAL FACTS

21. Plaintiff has worked with Lipkin since 1996 on research on the relationships of infection and immunity on brain disorders, primarily myalgic encephalomyelitis/chronic fatigue

syndrome ("ME/CFS"), mood disorders, schizophrenia, Pediatric Autoimmune Neuropsychiatric Disorders Associated with Streptococcal infection ("PANDAS"), attention-deficit hyperactivity disorder ("ADHD") and autism, and was recruited with him to Columbia in 2001, joining the faculty as a full-time faculty member in 2002.

22. Plaintiff and Lipkin had a personal relationship which ended in 2011.

DISCRIMINATORY AND RETALIATORY ACTS REPORTED IN THE EEOC CHARGE.

23. Throughout their professional relationship, Lipkin made clear that he expected Plaintiff to be his largely-silent and always subservient partner, forced to work almost exclusively on his projects and to give him undue credit for her own work, to the detriment of her own professional growth, stature in their shared field, and productivity.

24. No male faculty member in the Center is or has been subject to the same constraints or is or has been treated in this manner.

25. Other examples of discriminatory treatment based on Plaintiff's gender in the period from April 30, 2013 (three years prior to the filing of Plaintiff's EEOC charge) to the date when the EEOC Charge was filed include:

a. Refusing to allow Plaintiff to receive appropriate recognition in both internal and external publications.

b. Refusing to allow postings on the Center website regarding Plaintiff's work unless the posting also includes Lipkin.

c. Requiring Plaintiff to obtain Lipkin's permission before giving invited talks.

d. Routinely presenting Plaintiff's work as his own in meetings with collaborators.

e. Telling Plaintiff not to speak at internal and external meetings (sometimes kicking Plaintiff on the shins, under the table, to discourage her from speaking, or saying

"shut up, Mady" or "shut the f**k up, Mady" at meetings attended by both Columbia and non-Columbia colleagues) and inappropriately challenging her when she does speak.

f. Blocking Plaintiff from participation in meetings with donor relations staff and potential and actual donors and from fundraising efforts relating to work Plaintiff spearheaded and in which she is actively engaged.

g. Insisting on being co-PI (Principal Investigator, the person in charge of a grant) on grant applications in situations where Plaintiff should appropriately be sole PI based on the work to be done.

26. None of the male faculty at the Center was subject to these terms and conditions of employment.

27. At some point in 2014, Lipkin called Plaintiff into his office late in the day, after staff had left, and demanded that she look at lesions on his buttocks.

28. Plaintiff was taken aback by this inappropriate request and felt very uncomfortable, but she did as she was asked, for fear of retaliation by Lipkin if she did not do so.

29. In or around the Fall of 2014, during a conversation when Plaintiff was alone in Lipkin's office, he told Plaintiff that a major donor with whom he had been having an affair had just ended the relationship.

30. Lipkin had previously told Plaintiff and Mailman Donor Relations personnel that he should be the only person to interact with this donor because of their "special relationship."

31. In the conversation where Lipkin reported on the break-up, he said to Plaintiff "How can she break up with me by email right after having great sex," noting that she had helped him in and out of bed because of a broken ankle.

32. When Plaintiff asked him to stop this line of conversation, telling him that he was making her very uncomfortable, he leaned threateningly toward her and screamed, "This conversation is OVER!"

33. None of Plaintiff's male colleagues was subject to similarly inappropriate actions or comments.

34. Prior to July 28, 2015, Plaintiff did not discuss any of these discriminatory actions, or the hostile working environment Lipkin was subjecting her to, with anyone in authority at Columbia, for fear of retaliation by Lipkin.

The July 9, 2015 incident

35. On July 9, 2015, Lipkin interrupted a meeting Plaintiff was having with staff she was supervising on a time-sensitive project, to demand that Plaintiff join him in his office to look at something urgently.

36. Plaintiff assumed that she was being asked to review a document or email that needed to be sent on an urgent basis.

37. After Plaintiff went with Lipkin to his office, he locked both the door leading to his office suite and his office door, pulled down his pants, and again demanded that Plaintiff look at lesions on his buttocks.

38. Plaintiff, feeling degraded and mortified by this request, quickly looked at the lesions.

39. As Plaintiff was getting ready to leave, Eleanor Kahn ("Kahn"), Lipkin's assistant, was attempting to enter Lipkin's office.

40. Finding the doors locked, Kahn waited and entered the office after Plaintiff unlocked the doors.

41. Kahn's observation of Plaintiff leaving Lipkin's locked offices further mortified Plaintiff; the clear implication was that Plaintiff had been engaging in inappropriate behavior with Lipkin that needed to be conducted behind closed doors.

42. In a phone call early in the morning on July 10, 2015, Plaintiff confided in a colleague, Dr. Michaeline Bresnahan ("Bresnahan"), about the embarrassment and humiliation she had experienced on the previous day.

43. Bresnahan asked for permission to discuss the incident with Allison Kanas ("Kanas"), Lipkin's other assistant, who rented a room from her.

44. Despite Plaintiff telling Bresnahan that she could only discuss the incident with Kanas if she presented it as a hypothetical, Kanas learned about the incident and called Plaintiff to find out what had happened.

45. Kanas asked for permission to speak with Lipkin, which Plaintiff denied, explaining her fear of retaliation.

46. A few days later, Kanas told Plaintiff that she felt obligated to report the incident to the Human Resources Department at Mailman ("HR").

47. Still fearing retaliation from Lipkin, Plaintiff told Kanas that she would prefer that she not go to HR but that, if she felt compelled to do so, she could not use Plaintiff's name or provide any identifying details.

Lipkin retaliates by removing Plaintiff from her role as medical director of the Center and the July 9 incident is reported over Plaintiff's objections to HR.

48. On July 27, 2015, while Plaintiff was home with a fever and recovering from oral surgery, Kanas sent her a text asking Plaintiff to take a call with her and Lipkin about an upcoming Center event.

49. Plaintiff agreed, took the call with Kanas and Lipkin, and was first told by Kanas that she had discussed Plaintiff's discomfort with the events of July 9th with Lipkin.

50. Lipkin then launched into a defense of his behavior and announced the first of a series of retaliatory actions – stripping Plaintiff of her title as medical director of the Center on the spurious assertion that Lipkin had exposed his buttocks to her and demanded that she give him an opinion on his lesions based on her medical director role.

51. As medical director of the Center, Plaintiff was responsible for preparing for, and dealing with, any emergency situations that could arise based on the Center having a lab and an animal facility certified to work at specific conditions for biocontainment, including the housing of "select agents" thought to pose a threat to public health.

52. Plaintiff's medical director responsibilities did not include consulting Center staff on their personal medical conditions.

53. On July 29, 2015, Kanas gave Plaintiff the name and telephone number of Joanne Bowman ("Bowman"), Mailman's then Director of Human Resources and Staff Affairs, telling her that she had met with HR and that Bowman was expecting Plaintiff's call.

Plaintiff tells HR about Lipkin's inappropriate and discriminatory treatment

54. Later on July 29, 2015, Plaintiff called Bowman as requested and answered her questions about the July 9, 2015 incident.

55. Plaintiff also informed Bowman that Kanas had not been authorized either to discuss the incident or Plaintiff's concerns about it with Lipkin; that Kanas had also not been authorized to report the incident to HR in a way that could identify her; and that Plaintiff was gravely concerned about possible retaliation by Lipkin.

56. Plaintiff also told Bowman that she was being subjected to on-going discriminatory treatment by Lipkin and that this was the second time that Lipkin had inappropriately demanded that Plaintiff examine lesions on his buttocks.

Lipkin retaliates by attempting to coerce colleagues to criticize Plaintiff's performance.

57. On July 29, 2015, Plaintiff learned that Lipkin has asked Meredith Eddy ("Eddy"), Plaintiff's project coordinator, to schedule a meeting on an autism paper that Plaintiff was leading at a time when Lipkin knew Plaintiff would be traveling.

58. When Plaintiff went to Eddy's desk to ask her to change the meeting date, she learned that Eddy had been brought to Bresnahan's office by Lipkin.

59. Plaintiff then called Bresnahan's office and asked her to put Lipkin on the telephone, asking him why he was meeting with Bresnahan and Eddy.

60. Lipkin falsely stated that he had just "wanted to catch up with his friend [Dr. Bresnahan]," offering no explanation for why he had brought Eddy to Bresnahan's office.

61. Plaintiff later learned from Eddy that, at this meeting, Lipkin had tried to manipulate Bresnahan into saying negative things about Plaintiff's productivity and performance, but that Bresnahan had instead said only positive things about Plaintiff.

Lipkin continues his retaliatory efforts to label Plaintiff insufficiently productive and threatens further retaliation.

62. On July 30, 2015, Lipkin sent an email to Plaintiff which raised concerns about several older projects that he had previously agreed should be deferred or abandoned, and which were incomplete for a variety of reasons (e.g., findings were insufficient for publication, or required additional work for which there were no funds, or they were given a lower priority by Lipkin than other papers).

63. This retaliatory attempt to harm Plaintiff's reputation and justify his discriminatory behavior by falsely labeling Plaintiff insufficiently productive has recurred repeatedly thereafter, including in complaints by Lipkin to HR and to Mailman Associate Dean Regina Santella ("Santella").

64. Lipkin also has attempted on several occasions to coerce Center staff, faculty, and Plaintiff's other collaborators to support this unfounded claim.

65. On July 30, 2015, Lipkin threatened to remove Plaintiff from newer grants or projects with which she had been successful until these older papers were completed.

Lipkin wrongly bars Plaintiff from using a postdoc hired with funds designated for support of Plaintiff's research.

66. On July 30, 2015, Plaintiff was informed by email that Lipkin had selected a postdoctoral fellow ("postdoc"), Dorottya Nagy-Szakal ("Nagy-Szakal"), for a postdoc line funded by an autism research grant from the Simons Foundation Autism Research Initiative (SFARI). Despite the fact that Lipkin and Plaintiff are co-principal investigators ("co-PIs") on this grant, known as the CII Autism Program Maternal and Child Infection and Immunity in ASD grant, or "SFARI autism/immunity grant," Plaintiff was told that Dr. Nagy-Szakal will in fact only be doing work on ME/CFS and the microbiome.

67. This use of SFARI autism/immunity grant money violated the terms of the grant on which the postdoc line is funded, as neither ME/CFS research nor research on the microbiome is included in the SFARI autism/immunity grant.

68. Any postdoc funded on the SFARI autism/immunity grant must be primarily assigned to assist in the autism research funded by the grant.

69. Plaintiff had also been informed that the SFARI autism/immunity grant-funded postdoc would be able to work with her.

70. In a meeting with Plaintiff to review the ME/CFS projects Nagy-Szakal had been told she would be working on - a meeting requested by Nagy-Szakal - Nagy-Szakal told Plaintiff that Lipkin had told her that he would be the only person from whom she would be taking direction on her projects; that she would be working with another Center faculty member, Dr. Nischay Mishra (who is not a PI on any of the ME/CFS grants that Plaintiff was told would be funding Dr. Nagy-Szakal); and that she was not to take any direction from Plaintiff.

71. Because Plaintiff was never given access to budget information for the SFARI autism/immunity grant, she did not learn until August, 2016 that, on or around September, 2015, in response to Plaintiff's complaint and objections from the Center's financial project coordinator Katherine Rochmat, responsibility for Nagy-Szakal's salary had been moved off of the SFARI autism/immunity grant.

72. None of Plaintiff's male colleagues at the Center has received grants that include funding for postdocs.

73. Nonetheless, all of Plaintiff's male colleagues have had postdocs or high level research assistants working with them.

74. Despite the funding for an autism-focused postdoc in the SFARI autism/immunity grant, Lipkin has refused to allow a postdoc to ever be hired on that line (other than the inappropriate hire of Dorottya Nagy-Szakal described above), seriously impeding Plaintiff's ability to meet milestones for that grant, which milestones had been set based on the availability to Plaintiff of postdocs or high level research assistants.

75. Plaintiff is the only faculty member at the Center without access to postdocs or high level research assistants to assist her on her projects.

Plaintiff asks for assistance from Columbia.

76. On August 6, 2015, Plaintiff met with Bowman and Carmen DeLeon ("DeLeon"), Mailman's then Associate Dean for Faculty Affairs and Human Resources, discussing the July 9th incident and subsequent retaliation and asking them to address Dr. Lipkin's inappropriate, discriminatory, and retaliatory behavior and the hostile work environment to which she was being subjected.

77. After that meeting, HR determined that a representative from the office of the Mailman Dean needed to be involved, and Santella was tasked with this assignment.

Lipkin retaliates by excluding Plaintiff from a working dinner with a colleague and potential donor and Plaintiff again asks for help from Columbia.

78. On August 10, 2015, Plaintiff and Lipkin met with a potential donor from the UK, Mark Ferguson, who was interested in both research and treatment for ME/CFS.

79. Plaintiff had been in frequent contact with Ferguson over the prior two months and had been key in arranging for his visit to the Center.

80. Lipkin had previously instructed Plaintiff not to speak at that meeting unless he asked her to do so, and later in the day, Plaintiff was told that she was no longer welcome at a dinner that weekend to which she had previously been invited, with Lipkin and Dr. Daniel Peterson, a colleague from another institution who had been at the meetings that day and who had first connected Plaintiff to Mr. Ferguson.

81. The goal of the dinner meeting from which Plaintiff was disinvited was to discuss projects to be undertaken jointly and plans for further fundraising for ME/CFS, including next steps with Mr. Ferguson.

82. Upon information and belief, excluding Plaintiff from actively participating in the meeting at the Center had been bewildering to Mr. Ferguson and his family.

83. The following day, Plaintiff met again with Bowman and DeLeon to discuss the events of the previous day.

84. Upon information and belief, no efforts were made by Columbia to repair the damage to Plaintiff's relationships, stature, and on-going collaborations with Dr. Peterson as a result of Lipkin's actions, despite Columbia being on notice of this retaliatory effort on Lipkin's part to gain control over the relationship with Mr. Ferguson and erode Plaintiff's relationships and stature with both Mr. Ferguson and Dr. Peterson.

Lipkin continues his retaliatory efforts to coerce colleagues into criticizing Plaintiff's performance.

85. On August 12, 2015, Lipkin met with Bresnahan and Ezra Susser (a researcher, former chair of the Epidemiology department and regular collaborator on Center projects) to discuss Plaintiff's performance.

86. After that meeting, Bresnahan told Plaintiff that, based on that meeting, she believed that Plaintiff's job was in danger.

87. Two days later, Bresnahan told Plaintiff that Lipkin was out to "demolish" Plaintiff, that Lipkin is a "maniac" with regard to Plaintiff, incessantly trying to denigrate her work and capabilities to both Bresnahan and Susser, that Lipkin was in a "manic state" with regard to his

determination to sully Plaintiff's reputation, and that, for all of these reasons, Plaintiff should be in fear for her job.

Plaintiff again asks for assistance from Columbia.

88. On September 2, 2015, Plaintiff met with Santella, Bowman and DeLeon, reviewing, again, all of her issues with Lipkin. None of them offered to address his inappropriate and discriminatory behavior.

Lipkin defames Plaintiff and Plaintiff again asks for assistance from Columbia.

89. On November 2, 2015, Lipkin sent an email defaming Plaintiff to a key, influential colleague in the UK, falsely blaming Plaintiff for the failure to apply for renewal of a grant which Lipkin had unilaterally decided not to pursue and falsely crediting someone else for grants that kept the project afloat, when Plaintiff had been the one to write and bring in those grants.

90. Plaintiff's request to Columbia to direct Lipkin to retract his false and defamatory statements was denied.

Lipkin retaliates by sending in a center staff member to "babysit" Plaintiff while she gives an interview and Plaintiff again asks for assistance from Columbia.

91. On November 17, 2015, while Plaintiff was being interviewed by a Mailman employee for a Thanksgiving-related piece on tryptophan (a compound found in turkey and other common Thanksgiving foods that is believed to induce drowsiness) for the in-house Mailman newsletter, Kanas appeared and announced that Lipkin had required her to sit in on all of Plaintiff's media interviews.

92. Plaintiff was embarrassed and taken aback; this had never before been required and was contrary to a recent directive requesting Center faculty and researchers to report "participation in media" after the fact, so that the Center could promote the interview.

93. After Kanas left, the interviewer told Plaintiff that this had never happened to him before.

94. On November 18, 2015, Plaintiff reported this incident to DeLeon, Bowman and Santella.

95. DeLeon falsely responded that there is a "media policy" at the Center requiring reporters to submit questions in advance and requiring Kanas to attend all interviews.

96. Plaintiff's assertion to DeLeon that no such "media policy" existed was confirmed at a November 30, 2015 meeting of the Center faculty, when Lipkin announced that he had just established such a policy, which will be "communicated to HR" and "enforced by HR."

97. No such policy was in fact ever implemented, based, upon information and belief, on Columbia's recognition that this policy would impinge on academic freedom.

Lipkin wrongly fails to propose Plaintiff for promotion to full professor while proposing a similarly-situated male colleague, and Columbia fails to adequately respond.

98. Dr. Thomas Briese and Plaintiff are both members of the Center and nontenure-track associate professors in the Epidemiology department.

99. On or around December 15, 2015, Lipkin proposed Briese for promotion to full professor, meeting with Dr. Guohua Li, acting chair of the Epidemiology department and head of the committee reviewing promotion applications, and writing what, upon information and belief, was a very strong letter in support.

100. Briese's qualifications for promotion were not stronger than Plaintiff's.

101. Lipkin has repeatedly refused to support Plaintiff for promotion to full professor, despite her extensive record of accomplishments, using, as an excuse, hurdles that he has not

imposed on any male faculty and that, when met by Plaintiff, resulted in the imposition of yet another hurdle not faced by her male colleagues.

102. On or around December 21, 2015, Santella told Plaintiff that she had reviewed her resume, found her achievements "impressive," and stated that she believed Plaintiff was a strong candidate for promotion.

103. While Santella thereafter asked Plaintiff's department to consider her for promotion, neither she nor anyone else at Columbia required Lipkin to support the application and no one offered, upon information and belief, any explanation to Plaintiff's department for the lack of support from Lipkin; all that the departmental committee considering the application was told was that it was to "disregard" Lipkin's letter supporting Briese's promotion (which had already been distributed to committee members and was being considered at the same departmental committee meeting).

104. On April 4, 2016, Plaintiff met with Li to discuss her application.

105. Li told Plaintiff that, in his opinion, she would have been promoted long ago if she had been at any other institution and asked her why Lipkin had not written a supporting letter, noting that Plaintiff's qualifications were as strong as those of Briese and telling Plaintiff that, with a letter from Lipkin, departmental approval of promotion seemed virtually assured.

106. Li also told Plaintiff that, without Lipkin's support, it might not be possible for him to authorize her bid for promotion, even if the departmental committee considering the application gave its approval and despite her being a strong candidate for promotion.

107. Li also asked Plaintiff whether she had been advised to leave Columbia, which she interpreted as suggesting that the impediments to her professional advancement being imposed by Lipkin were insurmountable.

108. When Plaintiff responded that she thought it was unfair to be asked to leave research programs that she had spent nearly two decades helping to build and on which her career success rests, he did not respond.

109. Plaintiff later learned that Li did not support her for promotion because of his belief that she lacked "demonstrated… ability to successfully compete for federal funding as a principal investigator," had "few senior authored publications," and had an inadequate teaching/mentoring record.

110. Had Plaintiff known of these concerns while her application was pending, she would have asked Santella to point out that she had in fact been a sole PI on several research foundation grants; that she was a co-PI on, and had written the majority portion of, numerous federal and research foundation grants; that Lipkin had unfairly inserted himself as co-PI on several grant applications where that was inappropriate; that her small number of senior author positions was due to Lipkin's unfair restrictions on her assuming that role on publications where it would have been appropriate; that she has mentored a large number of graduate students; and that Lipkin had discouraged her from taking on classroom teaching, encouraging her to mentor students instead.

111. Li's concerns were similar to concerns expressed to Plaintiff on April 12, 2012, when the prior chair of the Epidemiology department, Dr. Sandro Galea, had told Plaintiff that her tenure bid had been rejected because of a lack of demonstrated independence, with very few publications that didn't include Lipkin as a senior or first author and an insufficient track record of grants as a PI.

112. During that conversation, Galea also told Plaintiff "off the record" that the departmental committee reviewing her application had discussed whether Plaintiff's failure to

achieve these markers of independence was related to their perception of Plaintiff as a victim of "Stockholm syndrome" based on their observations of Lipkin's behavior towards Plaintiff.

113. Plaintiff's failure to be promoted to full professor has caused her economic loss and loss of professional standing.

Lipkin wrongly continues to deny Plaintiff needed access to Center staff for current research.

114. Following Plaintiff's complaints of discriminatory treatment and hostile working environment, Lipkin severely curtailed Plaintiff's access to technicians and staff necessary for her to meet her scientific goals on funded projects and to generate pilot data for new grants, while he routinely and consistently afforded other (male) faculty, including those who have neither written successful grants nor directly assisted in bringing in funding, the access that they need.

115. Lipkin also informed staff on grants where he and Plaintiff are co-PIs that they "work for him" and must ignore requests from Plaintiff to do work related to these grants if he has made a competing request.

116. Staff were also told that all work, and changes to work scope, must be pre-cleared with Lipkin.

117. Plaintiff is not only being denied equal access to masters-level technicians, but those technicians who had been working with Plaintiff were consistently assigned to other projects by Lipkin.

118. By contrast, Dr. Brent Williams, a faculty member in the Center who has brought in only a small fraction of the grant funds that Plaintiff has brought in, has had six masters-level technicians working with him, in addition to two postdocs and two PhD level research assistants, some of whom have been paid for by Plaintiff's grants.

119. None of the male faculty at the Center were subject to these constraints when working with Center staff.

Plaintiff again asks for assistance from Columbia.

120. On December 21, 2015, Plaintiff met with Mailman Dean Linda Fried about Lipkin's continuing discriminatory and retaliatory behavior, presenting her with a lengthy chronology and list of requested remedies.

121. In a follow-up meeting on January 5, 2016, Fried told Plaintiff that, while she "cares about" her, she needs to "protect [her] leadership."

122. Fried then gave Plaintiff two options for dealing with Lipkin's continued discriminatory and retaliatory behavior: continued efforts by Santella, on behalf of Dean Fried, or filing a formal complaint with Columbia's office of equal opportunity.

123. Plaintiff chose to continue working with Santella and Fried for four reasons: (i) the relief contemplated in the EEO grievance procedures focus on discipline of the person accused, rather than addressing the harms to the victim (in Plaintiff's case, addressing the harms to her productivity and professional advancement and reputation); (ii) these procedures did not permit participation by an attorney; (iii) Plaintiff preferred to keep the matter within the School; and (iv) Plaintiff believed that Dean Santella, with the backing of Dean Fried, would be better able to get Lipkin to stop his discriminatory and retaliatory behavior, but the EEO grievance procedures stated that those procedures were "exclusive."

Plaintiff is warned that Lipkin is continuing to attack Plaintiff's productivity and threatening to fire her.

124. On December 29, 2015, Bresnahan told Plaintiff that Lipkin was clearly "out to get" her, based on a conversation with Lipkin where he told Bresnahan that Plaintiff was not

working on papers she was expected to complete, that she "never gets anything done," and that her job was in danger.

Lipkin agrees to cease some of his illegal behavior, but there is no resolution on other illegal behavior, new, retaliatory positions are taken, and he subsequently violates several of the agreements.

125. On January 20, 2016, Lipkin and Plaintiff met with Santella to discuss a list of actions Plaintiff had asked Columbia to take to address Lipkin's discriminatory and retaliatory behavior.

126. Agreements reached at that meeting ("the 1/20/16 Meeting"), and new discriminatory steps Lipkin announced at that meeting, included the following:

127. AGREEMENT ONE: Lipkin agreed in principle to work productively and respectfully with Plaintiff to arrive at a feasible plan for completing older papers for which they mutually agreed that additional work is required.

128. This agreement was later superceded by Lipkin's statement that the failure to complete these papers was not going to be used to judge Plaintiff's productivity.

129. AGREEMENT TWO: Lipkin acknowledged Plaintiff's right to be alerted to all meetings relating to her projects and to participate fully, without unfounded criticism or inappropriate challenge of her input.

130. Notwithstanding this agreement, Lipkin has continued to repeatedly and deliberately exclude Plaintiff from meetings with persons involved with grants on which Plaintiff is either PI or a co-PI, or with persons working on papers stemming from these grants, without telling her that the meetings are taking place.

131. AGREEMENT THREE: Lipkin acknowledged Plaintiff's right to submit grant applications on which she is listed as sole PI.

132. Despite this agreement, in late January/early February 2016, Lipkin refused to remove himself as a co-PI on a grant application that Plaintiff had written, changing his position only after Santella intervened.

133. AGREEMENT FOUR: Lipkin acknowledged Plaintiff's right to continue and/or expand her role in all research areas in which she is active (e.g., autism, ME/CFS, other neuropsychiatric disorders), including but not limited to PI-ship or co-PI-ship on future grants that build on current work and leadership roles.

134. AGREEMENT FIVE: Lipkin acknowledged Plaintiff's right to accept all appropriate media requests, subject to the allegedly newly-established Center policy.

135. AGREEMENT SIX: Lipkin acknowledged Plaintiff's right to appropriate promotion of media pieces featuring her work through the Center's website and social media.

136. Notwithstanding this acknowledgement, Lipkin has continued on several occasions to refuse to allow Plaintiff's work to be promoted through the Center's website and social media.

137. AGREEMENT SEVEN: Lipkin agreed to respect and promote Plaintiff's invited presentations at other institutions as appropriate.

138. Lipkin later denied having made this agreement and refused to promote a presentation made by Plaintiff at Kings College, London, demonstrating his continued refusal to promote key presentations by Plaintiff.

139. AGREEMENT EIGHT: Lipkin acknowledged Plaintiff's right to be informed of and included in all fundraising efforts relating to work she had spearheaded and in which she was actively engaged, with the caveat, accepted by Plaintiff, that each had the right to have individual meetings with potential donors, so long as there is transparency with respect to the process

(meaning that each would be told about meetings with donors with whom the other has a relationship).

140. Notwithstanding this acknowledgment, Lipkin continues to exclude Plaintiff from discussions with donors interested in supporting the Microbe Discovery Project being co-led by Plaintiff and Lipkin.

141. NEW DISCRIMINATORY POSITION ONE: Lipkin continued to refuse to allow Plaintiff the same right to assistance from postdoctoral fellows and high level research assistants that is enjoyed by other Center faculty, stating for the first time that Plaintiff could only have a postdoc or high level staff member work under her direction if the person is 100% funded by a grant on which Plaintiff is sole PI.

142. Consistent with this refusal, Lipkin continues to wrongly give Plaintiff less access to postdocs and high level researchers than male Center faculty, including those who have neither written nor directly assisted in bringing in postdoc/high level researcher funding.

143. Lipkin also continues to wrongly instruct postdocs and high level researchers that they cannot take direction from Plaintiff on co-led projects, which, among other impediments to Plaintiff's professional development, precludes Plaintiff from having senior authorship positions on publications.

144. Given constraints on maximum annual budgets at the National Institutes for Health ("NIH"), the agency that funds most of Plaintiff's and Lipkin's research, Lipkin's 100% funding requirement has made it nearly impossible for Plaintiff to include a request for postdoc or high level researcher funding in her grant budgets.

145. Lipkin continued to assert his right to deny Plaintiff the same right to assistance from appropriately trained technicians that is enjoyed by other Center faculty, asking her to agree to limit her access to those technicians who are funded 100% from her grants.

146. Plaintiff refused to agree to this limitation, noting that it was not applied to any other Center faculty member, including those who have neither written grants nor directly assisted in bringing in technician funding.

147. Lipkin dismissed Plaintiff's expressions of concern about difficulties in meeting research project milestones due to insufficient allocation of staff, stating that there was no funding for staff Plaintiff needed.

148. In response, Plaintiff noted that at least four technicians had been hired in the months before the meeting.

149. Plaintiff later learned that grant funds for staff Plaintiff needed had been secretly diverted by Lipkin to other projects.

150. Lipkin continues to refuse to grant Plaintiff the right to place specific technical staff that she has trained and faculty who are happy to collaborate with her on her grants, instead stating that "if" these individuals are available when the funding comes in, he "will consider" allowing them to work with Plaintiff.

151. No other Center faculty members are refused these opportunities to build on their prior work and their prior investment in developing the intellectual and technical resources required to achieve their scientific vision.

152. NEW DISCRIMINATORY POSITION TWO: Lipkin stated that, *because of Plaintiff's complaint to Mailman Dean Fried*, he was not only no longer willing to be co-PI with

Plaintiff on grants in ME/CFS and autism, Plaintiff's key areas of professional interest, but that he intended to go "head to head" with Plaintiff in competing applications in these areas.

153. This position explicitly abrogates Plaintiff's right to build on these earlier grants, which had been established when the grants were first sought (meaning that Plaintiff could apply for future grants based on the work accomplished in the original grants), and jeopardizes Plaintiff's ability to continue working in two of the areas where she has been most successful.

Lipkin continues his retaliatory attempts to coerce colleagues to support his unfounded attacks on Plaintiff's productivity.

154. During the 1/20/16 Meeting, Lipkin again raised his spurious complaints about Plaintiff's productivity and stated that unnamed "others" agreed with his assessment of Plaintiff's lack of productivity.

155. After the meeting, Plaintiff asked Susser whether he agreed with Lipkin on this point.

156. Susser said he did not and further stated that Lipkin had asked him to go on record making defamatory statements about Plaintiff, which he had refused to do.

Lipkin continues to wrongly deny Plaintiff access to staff she needs and for which she has grant funding.

157. This issue was raised, but not resolved, at the 1/20/16 Meeting, and Lipkin continued thereafter to refuse to provide Plaintiff sufficient staffing for projects on which they are both PIs, including ones on autism and ME/CFS, with only one exception -- as of the beginning of March, 2016, five papers on ME/CFS were on hold because they required help from Center staff which Lipkin had refused to authorize.

158. After Plaintiff indicated to the funders on March 4, 2016 that she could not complete the papers unless Lipkin agreed to allow Center staff to work on them, Lipkin authorized staff to do the work necessary for three of those five papers to be completed.

Lipkin wrongly decrees that Plaintiff cannot use any Center staff members when drafting grant applications.

159. On March 22, 2016, Lipkin announced, that, *because Plaintiff had retained an attorney* in connection with her efforts to get Columbia to address his inappropriate and illegal behavior, he was not only going to submit competing applications for autism and ME/CFS grants, but that Plaintiff would not be allowed to use any staff from the Center to help her draft the new applications she was planning (although he was intending to rely on staff to help him submit his competing applications).

160. Personnel necessary for these applications, who are available to all other Center faculty, include staff required to establish a budget, staff who contribute to data analysis and creation of tables and figures, and project coordinators who write and organize human subject protocols and other necessary documents.

161. After this blatantly discriminatory and retaliatory behavior was brought to Columbia's attention, Lipkin allowed staff to help Plaintiff on applications subject to his advance approval.

162. This requirement of advance approval from Lipkin is not a requirement when Plaintiff's male colleagues are developing grant applications and was never a requirement before Plaintiff's complaints about discriminatory treatment.

Lipkin wrongly bars Plaintiff from including funding for the use of current Center staff or faculty in grant proposals and wrongly asserts that, because of alleged space constraints, postdocs funded by new grants might not be hired.

163. On March 29, 2016, Lipkin made unilateral changes to the budget for a grant application that he had previously approved and was ready for submission to an investor, eliminating funding for collaborations with Center faculty and requiring that Plaintiff hire new staff for the project, rather than use existing staff with the expertise appropriate for the work.

164. These changes will make it more difficult for Plaintiff to reach grant milestones and will isolate her from current Center staff and faculty by eliminating her ability to rely on these staff and fellow faculty members to work on projects that she is leading.

165. No other Center faculty have been precluded from submitting grant applications that contemplate the use of existing staff or propose to work with fellow faculty who have agreed to collaborate with them.

166. In a meeting the next day to discuss these changes, Lipkin made clear that these changes were retaliatory, stating that, ”*until the legal issues are resolved*," Plaintiff will not be permitted to submit any proposals that include work by existing Center faculty and staff.

167. As a further threat to Plaintiff’s future access to postdocs, Lipkin stated that, even if Plaintiff were successful in acquiring funding for a full-time postdoc, he reserved the right to block the hire if he decided that there was insufficient lab or desk space for the person.

168. This constraint has not been placed on any other Center faculty member.

Lipkin engages in a petty retaliatory act designed to humiliate Plaintiff.

169. At a March 17, 2016 award ceremony for Lipkin at the Chinese Consulate, Plaintiff was seated apart from all other Center faculty, at a table with administrative staff.

170. Lipkin’s denial of any role in the seating assignments is not credible.

Lipkin demands inappropriate credit on a paper, based on Plaintiff's having retained an attorney.

171. On April 8, 2016, Plaintiff went to discuss plans for resubmission of a paper with Lipkin.

172. Plaintiff had been first and corresponding author on this paper through multiple resubmissions to different journals over the course of the previous year.

173. In all earlier iterations, Lipkin was the senior author (meaning that his name appears in the last position).

174. The corresponding author is the person who interacts with the journal editor through a cover letter and is considered to have the most prominent role in the development, writing and editing of the paper, an important consideration for promotion/career advancement.

175. The authorship plan for this paper had been clearly established by the Autism Birth Cohort (ABC) steering committee and by Columbia-Norwegian Institute of Public Health international legal agreements and policies, both generally as well as specifically for this paper.

176. At the April 8, 2016 meeting, Lipkin refused to address any aspect of the draft paper other than its title page, which continued to list Plaintiff as the corresponding author.

177. Lipkin demanded that Plaintiff make him a corresponding author, in addition to his senior authorship position, screaming "GO CALL YOUR LAWYER! I won't allow this paper to be submitted unless I am corresponding author."

178. In response to Lipkin's insinuations that Plaintiff's being sole corresponding author was interfering with the acceptance of the paper, Plaintiff indicated that readers would know of his involvement when they saw his name in last position; that Plaintiff's having sole corresponding authorship was important for her professional advancement; and that Lipkin's demand went against the long-standing agreements of all of the collaborators.

179. Lipkin then again screamed "GO CALL YOUR LAWYER! I AM NOT DISCUSSING THIS FURTHER!"

180. In Plaintiff's subsequent discussions with Dr. Deborah Hirtz, the former representative from the granting agency who remains in a consultative role, Bresnahan, and Susser, all three indicated strong support for Plaintiff continuing to remain as both first author and sole corresponding author, with Lipkin as senior author.

181. Susser further stated his belief that there is no evidence tying prior rejections of this paper to Lipkin not being identified as a corresponding author.

182. Susser also strongly agreed that it was important for Plaintiff's career to have these indicators of independence and that he views this as a critical part of mentorship.

183. Santella later told Plaintiff that she deemed Lipkin's behavior "ridiculous."

184. After speaking with him, Santella reported Lipkin's position that, as director of the Center, he has the right to decide - and determine - which papers he wants to be corresponding author on at any time.

185. When Plaintiff stated that this sudden demand seemed retaliatory, Santella did not disagree, stating only "I'm not going to argue Ian's point of view."

Lipkin publicly disrespects and demeans Plaintiff.

186. On April 25, 2016, Plaintiff met with Lipkin and project coordinator Eddy to review data for an autism/prenatal acetaminophen paper.

187. Lipkin kept insisting on capturing a particular message from this work which did not appear to be supported by the data.

188. To bolster his demanded finding, Lipkin proposed that Plaintiff and Eddy pull inconsistent data and use it in a separate paper, insisted that the only interpretation that made any sense was his, and enumerated the points he wished to have addressed on his fingers.

189. Lipkin then forced Plaintiff to repeat each point for his approval and/or correction, as if Plaintiff were an elementary school student.

190. Despite Plaintiff's role as leader of the paper and analysis, he ignored all of Plaintiff's suggested strategies to deal with the discordance across the data, instead asking Eddy for her thoughts, indicating that he valued her feedback and interpretations, but did not consider Plaintiff's interpretations worthy of even being heard.

191. After the meeting, Eddy agreed with Plaintiff that Lipkin's behavior had been offensive and demeaning, and called Plaintiff a "champ" for dealing with it without losing her temper.

DISCRIMINATORY AND RETALIATORY ACTS FOLLOWING THE FILING OF PLAINTIFF'S EEOC CHARGE

192. Following the filing of Plaintiff's EEOC Charge, Lipkin continued to wrongly discriminate and retaliate against Plaintiff, causing her continuing professional harm and emotional distress, and forcing her to continue to work in a hostile working environment.

193. While Lipkin's wrongful acts occurred on an almost daily basis, Plaintiff limited her complaints to Columbia to Lipkin's most egregious acts.

194. The post-filing acts brought to Columbia's attention, along with other discriminatory and retaliatory acts during the Tolling Period, are described in paragraphs 195 to 373, below.

Lipkin wrongly denies Plaintiff access to data and information on grants for which she is a PI and on work she is overseeing.

195. In May, 2016, Lipkin wrongly refused to allow Plaintiff access to the data and findings of Nagy-Szakal's ME/CFS and microbiome research, despite this research being focused on samples from studies which Plaintiff co-wrote and on which she was a PI.

196. Lipkin also wrongly excluded Plaintiff from meetings discussing the paper being developed based on these data.

197. Because of Lipkin's refusal to share these data and findings, Plaintiff was unable to present the findings at a closed and confidential research meeting on ME/CFS that Plaintiff attended in London in June, 2016.

198. In August, 2016, Plaintiff learned that she had been excluded from seeing ABC data relating to the SFARI autism/immunity grant and the NIH/NINDS autism/immunity R56 grant that she had been requesting for weeks on a project she had been monitoring (autism ToRCH data and paper) and for which she is a designated co-PI.

199. Lipkin also has denied Plaintiff access to other datasets and research generated from several other projects on which Plaintiff is or was a PI since the EEOC Complaint was filed, both by instructing Center employees to deny Plaintiff access and by failing to take the steps necessary for outside collaborators and former Center employees to provide the data to Plaintiff, despite Columbia and funding agency policies clearly stating that all data generated from grants to Columbia faculty belong to Columbia.

200. When Lipkin did take steps, during the Tolling Period, to provide Plaintiff with some of the datasets and research to which she is legally entitled, he wrongly denied her access to staff necessary to assemble the datasets and integrate them with prior clinical data from these

studies and also failed to provide her with datasets containing the processed data generated by Center staff or faculty or by external collaborators.

201. Lipkin also refuses to provide requested assurances that Plaintiff will receive future data generated using samples from projects on which Plaintiff is the sole PI or co-PI and that these datasets (including data generated by external collaborators) will be received by Plaintiff contemporaneously with all other Center investigators involved in the projects.

Lipkin wrongly and secretly changes Plaintiff's role as sole PI on CFI grants, repeatedly excludes Plaintiff from discussions about authorship on CFI papers and continues to wrongly deny her appropriate co-authorship.

202. Although Plaintiff was the sole PI on the funding proposals submitted by Columbia to the Chronic Fatigue Initiative ("CFI") for various grants, including the CFI Pathogenesis and Pathogen Discovery in Chronic Fatigue Syndrome grant ("CFI Main grant") and the CFI Pathogenesis and Pathogen Discovery Microbiome and Longitudinal Immune Profiling Substudy grant ("CFI microbiome/immunity grant"), Lipkin secretly removed Plaintiff and inserted himself as sole PI on the protocol that was submitted for the CFI microbiome/immunity grant to Columbia's Institutional Review Board (IRB), which deals with research involving human subjects, and also wrongly claimed that he was the PI of the CFI Main Grant, using these wrongful actions and assertions as justification for denying Plaintiff data, decision-making capacity and other rights she should have had as sole PI.

203. Authorship attribution on scientific papers is a critical criterion in evaluating a researcher's professional accomplishments.

204. Lipkin had arranged a telephone conference in late May, 2016 with CFI clinicians to discuss how to handle authorship on papers arising from their collaborative efforts.

205. Although Plaintiff was working on papers based on research funded from the CFI Main grant and the CFI microbiome/immunity grant with several of the clinicians on the call, she was not informed about the call and was excluded from emails relating to the call, only learning about the call and the decisions being made from one of the outside clinicians (who expressed surprise that she was out of the loop).

206. Lipkin also wrongly denied Plaintiff appropriate co-authorship on the first paper to emerge from studies funded by the CFI microbiome/immunity grant (studies on which the Plaintiff was the sole PI), demanding that he be both senior and corresponding author and excluding Plaintiff from both positions despite Plaintiff's official status as sole PI on that grant.

207. In December, 2016, after previously agreeing to allow Plaintiff to be acknowledged as co-senior author on an autism/herpes paper, Lipkin removed that acknowledgement in a subsequent submission of the paper, without informing Plaintiff, and the paper was then published without the acknowledgement.

208. Continuing to deny Plaintiff the right to share senior authorship has a direct, adverse impact on Plaintiff's professional growth and status; lack of senior authorship has been directly described as one of the factors contributing to Plaintiff being denied promotion to full professor.

Lipkin wrongly changes analyses on a grant on which Plaintiff is sole PI without consulting with or even informing Plaintiff.

209. In August, 2016, Plaintiff learned that Lipkin had unilaterally decided not to allow Plaintiff to conduct analyses of samples acquired under the CFI Pathogenesis and Pathogen Discovery grant.

210. Lipkin provided no rationale for this decision.

211. Because funds for these analyses had been donated by a private donor for Plaintiff's use on ME/CFS research, Plaintiff had been keeping the private donor informed of plans for upcoming work funded from his donation.

212. When the donor asked Plaintiff about the analyses he had been told would be performed, Plaintiff told him that the samples were now being studied by an outside collaborator at UC Davis, and that there were no new plans for use of his donated funds.

213. Plaintiff did not give the donor the reason why she believes that Lipkin made this decision – Lipkin's desire to harm Plaintiff's relationship with the donor because Plaintiff had secured these funds independently.

214. Not surprisingly, Plaintiff never heard back from the donor and no further donations were received; Lipkin's aim was accomplished.

Lipkin misuses grant funds, wrongly allocating money earmarked for support of Plaintiff's research to other projects, and Columbia is forced to return misused federal funds.

215. Plaintiff is co-PI on the SFARI autism/immunity grant which had improperly been used, in the first year of the grant, to fund Nagy-Szakal's work on projects unrelated to this grant.

216. In July, 2016, a progress report for Year Two and a "carryforward" budget had to be prepared for this grant.

217. Plaintiff repeatedly asked to be included in meetings to plan this budget.

218. On August 1, 2016, Plaintiff complained to project coordinator Meredith Eddy and to Katherine Rochmat, the Center's financial project manager, about her wrongful exclusion from decision-making regarding these grant documents.

219. Both apologized and blamed Lipkin for Plaintiff's exclusion.

220. Plaintiff was not given any information until later on August 1st, when she was given incomplete SFARI budget information and expected to sign off on the use of SFARI carryover funds for a new position, made by Lipkin without her input.

221. On September 30, 2016, Plaintiff was shown documents on another grant, an R56 federal grant from NIH, supplemented by crowdfunding monies, for research on ME/CFS (the "NIH/NIAID ME/CFS R56" grant), in the course of the first quarterly review of grant expenditures for this grant that Plaintiff was allowed to participate in.

222. These documents also raised concerns about possible misuse of grant funds.

223. The issue on the NIH/NIAID ME/CFS R56 grant budget was its lack of funding for technicians, despite the fact that for months 1-4, 2 full-time technicians had been required to work 3-4 days/week to process samples; for months 6-8, 1 full-time technician was being required for 3-4 days/week; and in months 9-12, 2 full-time technicians would be required for 3-4 days/week.

224. Plaintiff therefore suspected that funding for the technical staff working on the NIH/NIAID ME/CFS R56 grant was being taken from autism grants.

225. Lipkin's misappropriation of funds put, and continues to put, Plaintiff's reputation in jeopardy.

226. Plaintiff is a PI on the autism grants as well as the NIH/NIAID ME/CFS R56, but has been repeatedly denied the opportunity to apply the funds from any of these grants appropriately to serve the science and complete the research funded by these grants in a timely manner, in addition to being denied access to budget information on these grants, for which she is responsible as a PI.

227. On September 30, 2016, Plaintiff learned that Lipkin was allocating 64% of technician Dorothy Muller's time to autism grants, despite the fact that Muller had never done any work on autism; she was working, at Lipkin's direction, on projects unrelated to autism.

228. The funds that Lipkin wrongly used to pay Muller should have been used to fund technicians who would support Plaintiff's research.

229. Plaintiff also learned that other lines, for technicians, bioinformaticians, a faculty member, and a project coordinator, were being improperly used to fund persons performing activities unrelated to the grants from which the funds were taken, all of which were grants on which Plaintiff is a co-PI and ultimately responsible for conducting the studies funded by the grants.

230. Two particularly egregious instances of funds diversions involved a substantial proportion of SFARI autism/immunity grant funds being applied by Lipkin (over Rochmat's objections) to fund the salaries of Briese, and a bioinformatician, Boyhun Lee, neither of whom participated in work on the SFARI grant.

231. As of February 6, 2017 (when Plaintiff most recently saw, but was not given copies of, SFARI budget data at a quarterly review of grant expenditures), both Briese's and Li's salaries continued to be substantially funded from this grant, despite Plaintiff's multiple expressions of concern.

232. Plaintiff first refused to sign off on the time allocations for Briese and Li on the September, 2016 quarterly report for the SFARI grant.

233. Plaintiff also refused to sign off on these allocations in December, 2016 and in February, 2017.

234. After Plaintiff refused to sign the February 2017 quarterly attestations, Lipkin called Plaintiff into his office with Rochmat.

235. Lipkin told Plaintiff that, if he removed Briese and Li from SFARI grant funding, he would have to "fire them" because he had "no other money to pay them with."

236. Upon information and belief, Lipkin continues to pay Briese and Li from SFARI funds, despite Plaintiff reminding Lipkin in the February meeting that SFARI would never approve the use of funds for individuals who did no work in direct support of SFARI grant aims.

237. These multiple diversions of grant funds delayed the completion of autism research work for which Plaintiff was, and remains, responsible.

238. Plaintiff also refused to sign off on the allocation of Dorothy Muller's time to autism grants.

239. As a result of Plaintiff's refusal to sign off on the improper Muller allocation, Columbia returned $53,063.87 to NIH because of the misuse of funds from one of the autism grants on which Plaintiff is co-PI, the NIH/NINDS Infection, Fever and Immune Signatures in an Autism Birth Cohort grant ("NIH/NINDS autism/immunity R56" grant).

240. Upon information and belief, Lipkin has not misused funds on any grants on which Plaintiff was not involved.

Columbia ignores Plaintiff's complaints about misuse of grant funds for months and then wrongly bars Plaintiff's counsel from accompanying Plaintiff during its interview with Plaintiff about her allegations.

241. On August 1, 2016, Plaintiff told Rosa Rivera, Director of Mailman's Sponsored Projects Administration, about her concerns that Lipkin had excluded her from having any input into the SFARI autism/immunity grant progress report and budget carryforward request and that he was planning to submit a false report on past spending on the SFARI autism/immunity grant,

suspecting that he had continued to wrongly use money from this grant to support Nagy-Szakal in Year Two of the grant.

242. Plaintiff also expressed her concern that she will be assumed to have acceded to this false report because she is a co-PI on the grant.

243. On August 4, 2016, Plaintiff sent Rivera a memo describing in detail Plaintiff's concerns about misuse of funds on the SFARI autism/immunity grant and on the NIH/NIAID ME/CFS R56 grant.

244. Having had no response to these complaints about misused funds, which had also been sent to Columbia's outside counsel, Plaintiff prepared detailed charts that were sent to Columbia's outside counsel on November 11, 2016.

245. The charts identified five projects where Plaintiff believed that funds had been misused – the SFARI autism/immunity grant, the NIH/NINDS autism/immunity R56 grant, the CFI Main grant, the NIH/NINDS Gene-Environment Interactions in an Autism Birth Cohort grant ("ABC-2 grant"), and the NIH/NINDS ME/CFS R56 grant.

246. In each case, the funds diversions delayed completion of work necessary for Plaintiff to meet the goals and timetables of the grant.

247. Later that day, Plaintiff received an email from Naomi Schrag, Columbia's Vice President for Research Compliance & Training, notifying her that she would be investigating Plaintiff's concerns about improper use of grant funds.

248. One month later, Schrag asked to schedule an interview with Plaintiff.

249. Because Plaintiff was told that Schrag would be accompanied by Anne Louise Oates, an in-house counsel specializing in sponsored research and compliance, Plaintiff's attorney asked to also be present.

250. Columbia then stated that Ms. Oates would not attend.

251. Plaintiff's counsel nonetheless continued to request to be present at the interview, noting that the allegations of misuse of grant funds being investigated had been brought directly to counsel for Columbia in the discrimination matter, and that the reason they had been brought directly to her was Plaintiff's contention that these funds diversions, made unilaterally and without consultation with Plaintiff in contravention of Columbia and grantor requirements, were retaliatory and were made with the intention of thwarting Plaintiff's productivity.

252. Columbia rejected this request, asserting that Plaintiff's allegations would be investigated in accordance with Columbia's standard procedures for investigating these types of allegations, and that those procedures did not permit the person raising the allegation to be accompanied by an attorney.

253. When Plaintiff's counsel persisted, Columbia's counsel responded that Plaintiff "is the University's employee for purposes of this investigation, she is not a represented party. Nevertheless, to avoid any appearance of impropriety, Anne Louise Oates will not attend the meeting with Dr. Hornig. Although a lawyer by training, Naomi Schrag does not practice law on behalf of the University and never has, thus, there can be no allegation of any ethical violation resulting from your absence at the meeting."

254. Following Plaintiff's meeting with Schrag (which Plaintiff's counsel did not attend), several of the technicians whose salaries had been improperly paid in part from Plaintiff's projects were interviewed.

255. Upon information and belief, the interviews were conducted by Patricia Sachs Catapano, Columbia's in-house employment lawyer for the Health Sciences.

256. Catapano had been representing Columbia with regard to Plaintiff's complaints against Lipkin prior to the filing of Plaintiff's charge with the EEOC.

257. After receiving Plaintiff's charge with the EEOC, Columbia retained outside counsel.

258. Upon information and belief, Catapano then assumed the role of chief contact person with Columbia's outside counsel in this matter, a role she was playing at the time of these interviews.

259. As of the date of this Complaint, Columbia continues to refuse to provide Plaintiff with any information concerning its investigation into the financial improprieties Plaintiff discussed with Schrag, despite repeated requests.

Columbia refuses to give Plaintiff budget data to which she is legally entitled.

260. After learning about Lipkin's improper staffing and allocation decisions on grants on which Plaintiff was sole or co-PI, Plaintiff not only reported the improprieties; she also requested access to budgetary information for all projects on which she is involved, for documentation of all numbers and allocations that she believed to be inaccurate, and for explanations for how staff were to be funded on grants where there were no dedicated budget lines for those persons.

261. As of the date of this Complaint, and despite repeated requests and citations to Columbia policy requiring Plaintiff to have access to all budgetary information on projects for which she is a PI or co-PI, Columbia still refuses to provide Plaintiff with this information.

Lipkin wrongly removes Plaintiff as co-PI on the CFI ME/CFS "TruCulture Project," wrongly bars Plaintiff from having any role in this project, and then cancels a key part of the project.

262. The CFI ME/CFS TruCulture exercise and host responses project ("CFI ME/CFS TruCulture" project) was jointly designed by Lipkin, Plaintiff, and Matthew Albert (a colleague at another institution), with later input from Dr. Dan Peterson in the Summer of 2015.

263. It involves studies with human subjects.

264. This project is heavily dependent on analyses of host (human) responses (immune; metabolomic) which Plaintiff directs, using immunoassay plates and collaborations with colleagues external to Columbia.

265. Upon information and belief, the protocol shown to CFI when the project was being developed identified Plaintiff as co-PI with Lipkin and Peterson.

266. Upon further information and belief, the final proposal submitted to CFI made Lipkin sole PI.

267. Upon information and belief, Lipkin wrongly failed to recuse himself when CFI was considering this application, as would have been appropriate due to his conflict of interest as PI on that application and his service on the CFI Scientific Advisory Board tasked with advising on funding applications.

268. Upon information and belief, Lipkin also failed to report this conflict of interest to Columbia's Institutional Review Board ("IRB") and Sponsored Projects Administration, as required under Columbia's rules.

269. In late July, 2016, Plaintiff learned that Lipkin had not only wrongly removed Plaintiff as co-PI on this project when it was formally submitted to CFI, but had removed her from

ANY role with regard to the project, resulting in her no longer having access to any information regarding the project on Columbia's IRB site.

270. After a complaint to Columbia's counsel, Lipkin claimed that these deliberate, retaliatory actions were an "oversight."

271. Following this complaint to Columbia's counsel, Plaintiff was given access to the IRB site in the role of "Investigator" on the project, but not restored to her rightful position as co-PI.

272. As of the date of this Complaint, Plaintiff still has not been restored as a PI, resulting in limitations on her ability to work on that project, to have access to data to be generated from the project, and to build on her prior CFI-funded work in ME/CFS.

273. In October, 2016, Lipkin told Rochmat to renege on the Center's longstanding commitment with the company producing Luminex immunoassay plates to order the plates required for the CFI ME/CFS TruCulture project, despite the fact that funds had already been received for this purpose.

274. Upon information and belief, Lipkin intends to pursue these assays independently at a later date, so as to exclude Plaintiff from this aspect of the project.

<u>Lipkin repeatedly undermines Plaintiff's working relationship with colleagues and staff, including direct supervisees.</u>

275. At the specific request of Norwegian colleagues on the ABC Project, Plaintiff had prepared a proposed list of analyses and potential paper authorships for discussion, based on work performed with funding from the SFARI autism/immunity grant and the NIH/NINDS autism/immunity R56 grant.

276. During an August 17, 2016 meeting with Columbia colleagues Susser and Bresnahan on this project, Lipkin falsely implied that Plaintiff had prepared this list on her own, in an attempt to usurp decision-making authority for the ABC Project.

277. When Plaintiff interrupted to explain the origin of the list, Lipkin cut her off, stating "I'm going to present it my way and you're not going to interrupt."

278. Meredith Eddy, who was aware of Norway's request, then tried to speak.

279. Lipkin immediately cut her off, stating angrily that she was "not to talk."

280. Eddy, unable to contain her distress, left the room shortly thereafter.

281. At this meeting, Lipkin also falsely stated that Plaintiff was withholding data from the Norwegian colleagues until manuscripts were completed.

282. The actual reason the data had not been shared is that, because of Lipkin's diversion of funds from this project to the NIH/NIAID ME/CFS R56 Project, technicians had not been available to complete the necessary work to generate the data.

283. After this meeting, Kanas told Eddy that Lipkin considered her "insubordinate" for trying to tell Susser and Bresnahan about the origin of Plaintiff's list.

Lipkin wrongly bars Plaintiff from meetings with Norwegian collaborators.

284. In August, 2016, two of the Norwegian collaborators on the ABC autism/immunity projects funded by the SFARI autism/immunity grant and the NIH/NINDS autism/immunity R56 grant came to visit the Center.

285. After Kanas told Plaintiff that she could only meet with them if "there is time" after their separate meetings with other faculty had taken place, Plaintiff told Kanas that she thought it important that the collaborators meet the Center team as a group.

286. Kanas replied, in a statement heard by both staff and postdocs in an open area, that Lipkin would not allow the collaborators to meet the team as a group because Plaintiff "causes conflict."

287. Following Plaintiff's complaint to Santella, Santella told Plaintiff that her exclusion from the meetings was a "misunderstanding."

Lipkin wrongly continues to limit or exclude Plaintiff from decision-making on grants for which she is a PI.

288. In August, 2016, Eddy told Plaintiff that she had been asked to take notes for a call by Lipkin with an investigator on the NIH/NIAID ME/CFS R56 grant concerning a protocol issue.

289. In response to Eddy's expression of concern at Plaintiff's exclusion from the call, Lipkin told Eddy she has "no say in these matters."

290. Plaintiff also learned from Eddy that Lipkin had been arranging meetings with NIH colleagues concerning use of samples and data that had been generated from Plaintiff's CFI Main grant, without either including Plaintiff or even informing her of the meetings.

291. Plaintiff continues to be excluded from all ongoing discussions of work and analyses performed on samples and clinical data from projects on which she is a PI, including the CFI Main study, the CFI microbiome/immune "extension" study, the NIH ME/CFS R56 study, and the ME/CFS studies supported by a grant from Stanford University, led by Dr. Jose Montoya (the "Stanford/Montoya ME/CFS grant").

292. Most glaringly, Lipkin did not consult Plaintiff regarding the commitment of samples and data from grants on which she is sole PI or co-PI into an NIH ME/CFS center grant application. (See paragraphs 338-361, below.)

Lipkin wrongly refuses to allow Plaintiff to support 10% of her salary through a co-investigator position that would not have placed any burden on Center staff.

293. In August, 2016, Plaintiff asked Lipkin for permission to serve as a co-investigator on a Nursing/Neurology grant proposal which did not require any lab work or work by Center staff.

294. Lipkin refused, although he had accepted a similar position the previous week.

295. This wrongful refusal adversely impacted Plaintiff's future salary support and such actions by Lipkin impeded, and continue to impede, Plaintiff's efforts to broaden her collaborative relationships with others at Columbia.

Lipkin wrongly excludes Plaintiff from hiring decisions on grants where she is co-PI and delays necessary hiring of persons to support Plaintiff's work.

296. For several months, Lipkin refused to allow staff to be hired from SFARI autism/immunity grant funds that had been approved in August, 2016 by the funding agency for use in salaries for these hires, despite Plaintiff being a co-PI on that grant.

297. Lipkin's refusal resulted in a loss of nine months in hiring these necessary staff members, resulting in delays in producing papers that require advanced data analyses.

298. When a new data analyst was eventually hired, Lipkin wrongly and secretly arranged for the hiring papers to reflect Lipkin as sole PI on the SFARI grant funding the position, changing the originally-approved hiring papers so that Plaintiff no longer appeared as a co-PI on that grant.

299. Lipkin also insisted that the new hire be supervised by Xiaoyu Che, instead of Plaintiff, as previously-agreed.

Lipkin wrongly inserts himself as a co-PI on a project and wrongly indicates that its funding may be eliminated.

300. In October, 2016, Lipkin secretly added himself as the main PI (first of two co-PIs listed) on the EARLI project (looking at relationships between autism and the placenta and meconium microbiome).

301. Plaintiff had been sole PI on that project, working on it without any help or input from Lipkin, for over two years.

302. Lipkin also told Brent Williams, a member of the Center staff who had been working on this project, that funding will not be available to complete it.

303. In fact, there is money in the Jane Johnson donation account to complete this project, and the agreement with Johnson stipulates that there are to be no changes in use of donated funds.

Lipkin wrongly lowers the percentages of Plaintiff's salary to be paid by various grants.

304. In October, 2016, Lipkin unilaterally decreased the amounts of Plaintiff's "percent of effort" on grants on which she is sole or co-PI or an investigator.

305. These decreases did not accurately reflect the amount of time Plaintiff spent on work related to these grants.

306. These decreases made Plaintiff overly dependent on salary support from Center funds.

307. Lipkin thereafter criticized Plaintiff for failing to bring in sufficient grant funds to cover her salary.

Lipkin wrongly claims to be sole PI in an article in Science discussing findings from a grant on which he and Plaintiff are co-PIs.

308. On November 11, 2016, Plaintiff saw an article in Science, a leading scientific publication, that discussed findings from an ME/CFS project, funded by NIH, in which Lipkin and Plaintiff are co-PIs.

309. The article states that Lipkin is the PI on the grant, with no mention of Plaintiff.

310. After Plaintiff brought this error to the attention of Mailman's Communications Officer, Tim Paul, Lipkin demanded that Paul not seek a correction, but did not offer any justification or rationale for that request.

311. Following – and despite -- the meeting with Lipkin, Paul sent the following email to the author of the Science story:

> I read your story on funding of ME/CFS research with interest. I want to let you know that Mady Hornig, along with Ian Lipkin, wrote the grant you mention and is listed as co-PI on the NIH site. You may want to consider at least changing the article to say Ian is "a" PI, not "the" PI. Mady Hornig is one of the world's leading ME/CFS researchers, and was lead author on research published last year on immune system markers and ME/CFS.

312. The editor responded with an apology: "I'm sorry to have missed that and I appreciate the sensitivities involved. I will ask the copy editors to change "the" to "a" – and I will see if it's possible to insert her name as well though I am doubtful."

313. Plaintiff's counsel sent Columbia's counsel copies of the relevant emails, noting that both Science and Mailman's Editorial Communications person had clearly understood the harm that Lipkin had caused and asking "[i]s there simply no interest in controlling him?"

314. There was no response to this email.

Lipkin wrongly destroys Plaintiff's collaboration with a colleague at Penn State.

315. Since approximately July 13, 2015, Plaintiff had been collaborating with a colleague at Penn State on studies of post-infectious hydrocephalus, planning and preparing to conduct the assays required for the study.

316. In December, 2016, Lipkin announced that Plaintiff could no longer conduct those assays, despite having already received funding for them.

317. Lipkin wrongly stated at a meeting of Center staff that this had been at the collaborator's request.

318. In fact, Lipkin had called the collaborator, who is the PI on this grant, and told him that, because of "complexities," Plaintiff would no longer be available to do the assays required.

319. This was the ninth project in which Lipkin wrongly prevented Plaintiff from fulfilling her professional commitments (the others being those funded by the SFARI autism/immunity grant and NIH/NINDS autism/immunity R56 grant, the ABC-2 grant, the CFI ME/CFS TruCulture Project, the NIH/NINDS ME/CFS R-56 Study, the CFI Main grant, the CFI microbiome/immunity "extension" grant, and the Stanford/Montoya ME/CFS grant).

320. As of the date of this Complaint, Lipkin has still not allowed Plaintiff to do work on this grant, in contravention of the position of his outside collaborator.

321. Despite being barred from doing work on this grant, Lipkin continues to fund Plaintiff's salary in part through this grant.

Lipkin repeatedly imposes discriminatory roadblocks on Plaintiff's submission of internal grant proposals and defames Plaintiff.

322. In early February 2017, Plaintiff was asked by Dr. Nancy Green, a Columbia Pediatrics Professor, to submit a proposal for an internal Columbia grant, an Integrating Special

Populations [ISP] Irving Institute Pilot Award (the “Award”), which would carry a maximum of $40,000 direct costs with no indirect costs allowed ("indirect costs" represent a percentage of the direct cost amounts that are provided by some funding agencies to cover costs of administrative and physical infrastructure, utilities, costs for laboratory and office space, and maintenance of facilities and equipment; federal indirect costs, such as those allowed by NIH, are currently set at 60% for Columbia).

323. Work from the funded grants was to be used to support a grant application to NIH on which Dr. Green was to be PI.

324. When Plaintiff asked Lipkin for permission to submit this proposal, Lipkin first tried to block Plaintiff's participation by citing an alleged Center policy barring applications for internal awards that did not meet his criteria for external funding proposals ($50,000/year and coverage of full federal level indirect costs at 60%).

325. When Plaintiff noted that Lipkin had just supported the applications of two Center faculty, Rafal Tokarz and Nischay Mishra, for internal awards that also did not meet Lipkin's criteria (which had in fact been awarded in December 2016), Lipkin found another way to thwart Plaintiff; he demanded that Plaintiff obtain a guarantee from Dr. Green that her grant, when funded, would provide funds for further research by Plaintiff and the Center that met Lipkin's external funding criteria.

326. This request caused undue conflict between Plaintiff and Green, given that Plaintiff knew that Green could not realistically provide any "guarantee," and Plaintiff had to try to explain Lipkin's rationale to Green in multiple phone calls that apologized for Lipkin's unrealistic demands while being careful to not say anything that might incriminate Lipkin; Plaintiff ended up simply asking Green to do the best she could.

327. In late February 2017, Lipkin announced at a Center faculty meeting that Dean Fried had asked that all faculty submit proposals to her office for an internal Dean's Pilot Award (a $75,000 grant with no indirect funds).

328. After this meeting, Plaintiff overheard Lipkin informing two Center faculty that he wanted them to get these awards and would do everything he could to make that happen.

329. Later that same week, Lipkin called Plaintiff and Briese to his office and told them that he would be the gatekeeper for the applications that would get submitted from the Center, and that he would select only two applications to go forward.

330. When Plaintiff noted that the Dean's Pilot Award announcement did not state that submissions were to be vetted by Center directors or department chairs, Lipkin said "Who do you think decides what proposals the Dean will fund anyway? They come to me to decide."

331. Plaintiff, recognizing that Lipkin would never forward her application, consulted with one of the research deans listed on the Dean's pilot award announcement, Dr. Pam Factor-Litvak, who confirmed that approvals of center directors or department chairs were not necessary for the submission.

332. Plaintiff revised the study design of her Dean's Pilot Award proposal to ensure that no laboratory work would occur at the Center and to minimize any need for participation by Center staff (other than her own participation), as Lipkin had previously used those reasons to refuse to approve budgets she had proposed for previous grant applications.

333. Plaintiff then submitted her application directly to the Dean's office.

334. Lipkin, after learning of Plaintiff's submission, sent an email to Plaintiff, copying Deans Fried and Santella, which falsely accused Plaintiff of improprieties with respect to her proposed use of samples from her own grants and her proposed choice of external collaborators.

335. These accusations ignored Lipkin's routine, unilateral decisions to use samples from Plaintiff's grants without her permission and frequent collaborations with both Columbia faculty and persons external to Columbia based on data and samples from Plaintiff's own grants.

336. Plaintiff did not receive a Dean's Pilot Award.

337. By these actions, Lipkin wrongly and severely damaged Plaintiff's ability to obtain funds for her research, harmed Plaintiff's relationships with potential collaborators, and damaged her reputation with Columbia leadership, causing irreparable harm to her career.

In connection with an important grant application, Lipkin wrongly marginalizes Plaintiff, denies her her rightful place as co-PI on the application, wrongly attempts to list himself in his application bio as co-PI on projects where Plaintiff is sole PI, wrongly attempts to harm Plaintiff's relationships with her colleagues, and wrongly, unilaterally and secretly includes in the application significant monetary commitments and commitments to use of samples and data from grants and donation accounts on which Plaintiff is sole or co-PI, without allowing her input into the studies or access to their results.

338. At the end of January, 2017, Lipkin convened a planning meeting for an NIH ME/CFS center grant application.

339. Despite this grant building directly on the data, findings, and samples developed under Plaintiff's prior ME/CFS grants and Lipkin's prior agreement to allow Plaintiff to be co-PI on this application, Lipkin announced that he would be sole PI.

340. Lipkin thereafter blocked Plaintiff's ability to contribute to this application by refusing her requests to be allowed to participate in planning or writing, or even seeing drafts, of the proposal until less than two weeks before its submission due date.

341. On April 24, 2017, as the grant application was being prepared for submission, Lipkin challenged the wording of Plaintiff's Personal Statement in her NIH Biosketch, despite having approved this precise wording in previous grants, including the NIH ME/CFS R56 on which Plaintiff was co-PI (the lead-in grant for the NIH ME/CFS center grant).

342. Lipkin's objection was to Plaintiff's use of the verb "direct" with respect to her leadership role on ME/CFS and autism projects, demanding that she change the description to a statement that she merely performed research focused in these areas.

343. This demand ignored the fact that, as co-PI or sole PI on many ME/CFS grants, Plaintiff does indeed direct these projects.

344. Lipkin based his demand on an alleged potential for "friction" with colleagues who also worked in these areas.

345. Despite Plaintiff's view that this request was uncalled for, retaliatory, and aimed at diminishing Plaintiff in the eyes of the grant funders, Plaintiff agreed to change the verb to "co-direct."

346. Lipkin then insisted that Plaintiff ask each member of the Center faculty and of the bioinformatics and sequencing teams who worked on MC/CFS or autism projects for permission to state that she "co-directed" projects in these areas.

347. Plaintiff then emailed the Center faculty identified by Lipkin, asking them to respond by email with any concerns about her description of her work as "co-directing" ME/CFS and autism research by the close of business that day.

348. Lipkin asked the faculty members to copy him on their responses, and throughout that day, Lipkin was seen meeting with these faculty members.

349. Upon information and belief, Lipkin advised the faculty members on how to respond.

350. When none of the faculty members expressed clear objections, Lipkin sent the following email to two faculty members whose responses he apparently disliked:

> Please answer the question. Do you approve the line that states **"I co-direct programs** focused on ME/CFS, including microbiome, metabolomic and immune profiling studies, and on prenatal and birth biomarker discovery in the Norway Autism Birth Cohort study."
>
> Please review the definition of "direct" and provide a yes/no answer.
>
> Merriam Webster:
> **a :** to regulate the activities or course of *directs* a staff of over 200 employees
> **b :** to carry out the organizing, energizing, and supervising of *direct* a project *directed* a call center
> **c :** to dominate and determine the course of...
> Ian (emphasis in original)

351. Despite Lipkin's bizarre efforts to turn Plaintiff's colleagues against her, none of them expressed a concern about Plaintiff describing herself as co-directing work associated with grants on which she is a PI.

352. On April 27, 2017, Plaintiff learned that Lipkin had requested changes to the grant section of her NIH Biosketch for the ME/CFS center grant submission -- a section that also had been approved by financial administrators and Lipkin in the past -- to falsely make it appear that Lipkin was a co-PI on multiple CFI grants where Plaintiff in fact was the sole PI.

353. Later that day, Plaintiff confirmed with Ellen Kobak, the Center staffer who reported to Ellie Kahn and had been tasked with formatting the NIH Biosketches for the center grant application, that she had been instructed to make these changes.

354. After Kobak went to Lipkin's office suite, presumably to inform Lipkin and Kahn of Plaintiff's concerns, Center Administrative Director Gilbert Smith and Lipkin came to Plaintiff's office to tell her that they would be changing Plaintiff's grant section back to

accurately portray her PI-ships.

355. In that conversation, Plaintiff agreed to be listed as co-investigator for the CFI TruCulture grant, but reminded Lipkin that she still expected him to restore her leadership role as co-PI on that grant.

356. Plaintiff and Lipkin are joint PIs on the crowdfunded Microbe Discovery Project.

357. After the center grant application was submitted, Plaintiff learned that it included a commitment by Lipkin to use over $1 million of Microbe Discovery Project funds on the projects proposed in the application.

358. The application also provides for extensive use of samples developed from the Microbe Discovery Project, the NIH ME/CFS R56 study, and the CFI-funded projects on which Plaintiff is co-PI.

359. Notwithstanding Plaintiff's role as a PI on all of these projects, the application did not provide for Plaintiff to either be involved in the studies using these samples or to be provided with the data coming out of these studies.

360. Columbia's Sponsored Projects Administration wrongly signed off on this grant application, notwithstanding these failures to respect Plaintiff's rights as a co-PI.

361. These actions violated Plaintiff's right to share in decisions regarding the past and future commitment of Microbe Discovery Project funds and of samples developed under that Project or under grants on which she is sole or co-PI, and her right to access to all data generated through the use of these samples, now and into the future.

Lipkin wrongly restricts Plaintiff's access to project coordinators.

362. Meredith Eddy was Plaintiff's project coordinator.

363. On or about December 20, 2016, a few weeks after Eddy had given notice that she was resigning, Plaintiff was told that Lipkin had appointed Kahn, his administrative assistant, as the project coordinator for autism projects and that any requests for assistance from Kahn on any such projects had to be cleared in advance with Lipkin.

364. Plaintiff was also told that project coordinator Elena Lascu ("Lascu"), who was funded on ME/CFS grants on which Plaintiff is a co-PI with Lipkin or sole PI, would now serve as project coordinator for all ME/CFS-related projects.

365. Lipkin had previously barred Plaintiff from requesting any assistance from Lascu without advance clearance from Lipkin.

366. These requirements of pre-clearance from Lipkin were inappropriate with regard to work on grants on which Plaintiff is a sole or co-PI and impair Plaintiff's ability to fulfill her role as co-PI/PI and to complete analyses, papers and new grant proposals relating to her projects.

367. After Eddy left Columbia in January, 2017 and Lascu left Columbia in March, 2017, Plaintiff has had no access to any project coordinators for either her ME/CFS or her autism grants and donation accounts.

368. While Kahn is now supposedly serving as project coordinator on all ME/CFS and autism projects, she has consistently refused to provide even basic assistance to Plaintiff, repeatedly stating that she is "far too busy" to do so despite Plaintiff being told that Kahn is the only designated project coordinator for her projects.

369. All of Plaintiff's grants include funding for a person performing the kind of project coordinator tasks previously performed by Eddy and Lascu.

370. Kahn's refusal to support Plaintiff and provide her with needed information has severely compromised, and continues to severely compromise, Plaintiff's ability to function as a PI.

* * *

371. All of the wrongful actions by Lipkin recited above were done with malice or reckless indifference to Plaintiff's rights.

372. Columbia was aware of Lipkin's wrongful actions through reports to Bowman, DeLeon, Fried, Santella, or Columbia's in-house or outside counsel.

373. By failing to take corrective action to remedy the harms caused by Lipkin's wrongful acts, Columbia acted with malice or reckless indifference to Plaintiff's rights.

EMOTIONAL AND PHYSICAL IMPACT OF LIPKIN'S DISCRIMINATORY AND RETALIATORY ACTIONS AND COLUMBIA'S FAILURES TO ADEQUATELY ADDRESS THEM

374. As a result of the discrimination and retaliation to which Plaintiff was and continues to be subjected, she has suffered and continues to suffer from severe anxiety, depression, and stress-related symptoms including sleep disturbances, extreme exhaustion, gastro-intestinal disturbances, recurrent styes, repeated, prolonged respiratory infections, and an exacerbation of her Horner's syndrome. She also had a tooth abscess which required seven procedures.

375. Lipkin's discriminatory and retaliatory actions have also caused and continue to cause Plaintiff to feel shame, degradation, self-consciousness, and a loss of self-esteem.

376. Plaintiff also experiences an excruciating sense of being "Gaslighted," thinking that she cannot trust her own memory of events, due to Lipkin's repeatedly denying facts and Columbia accepting Lipkin's false assertions, repeatedly requiring Plaintiff to provide evidence that directly contradicts Lipkin's assertions.

377. Plaintiff also experiences fear and continuous apprehension based on Lipkin's repeated discriminatory and retaliatory actions, including his defamatory statements, his

microaggressions, and his denigrations of Plaintiff at meetings with Center staff, colleagues, and others.

378. Lipkin's discriminatory and retaliatory actions have left colleagues and Center staff reluctant to speak with her in the presence of Lipkin, looking over their shoulders or speaking softly in the event that Lipkin will approach or walk nearby.

379. This alteration in Plaintiff's interactions with colleagues and Center staff has also contributed to Plaintiff's anxiety, depression, and stress-related symptoms.

380. The fear, apprehension, trauma, and depression induced by Lipkin's constant denigration, retaliation, and manipulation, as well as the evidence presented to Plaintiff of Lipkin's behind-the-scenes defamatory actions, have become so severe that Plaintiff has had to undergo specialized treatment to help her function in this destructive environment.

IMPACT OF LIPKIN'S DISCRIMINATORY AND RETALIATORY ACTIONS AND COLUMBIA'S FAILURE TO ADEQUATELY ADDRESS THEM ON PLAINTIFF'S CAREER AND REPUTATION

381. Lipkin's discriminatory and retaliatory behavior and Columbia's failure to adequately address Lipkin's wrongful actions have prevented Plaintiff from being promoted to full professor.

382. Discriminatory and retaliatory actions by Lipkin which were ignored or inadequately addressed by Columbia and which severely impaired, and continue to **impair Plaintiff's ability to meet deadlines set forth in grants** include but are not limited to the following: barring postdocs and senior researchers, technicians, and project managers paid in part or in whole by funds designated for support of Plaintiff's work from doing the work for Plaintiff that was contemplated by the grant or donation; denying Plaintiff equal access to other Center staff

for needed support of her research; changing scope of grants to exclude Plaintiff from work on grants she wrote and is either a co-PI or sole PI on; repeatedly withholding research data developed under grants on which Plaintiff is sole or co-PI; failing to take steps necessary for outside collaborators and former Center employees to provide to Plaintiff data and research generated from projects on which Plaintiff was or is a PI; refusing to provide assurances that Plaintiff will receive future data generated using samples from projects on which Plaintiff is sole or co-PI and that these datasets, including data generated by external collaborators, will be received contemporaneously with all other Center investigators involved in the projects; wrongly diverting monies earmarked for support of Plaintiff's research to other projects; repeatedly undermining Plaintiff's working relationships with colleagues and staff; barring Plaintiff from meetings with collaborators; excluding Plaintiff from hiring decisions and science-related decisions on grants where she is co-PI; unilaterally removing Plaintiff from her role as co-PI on grants; and delaying necessary hiring of persons to support Plaintiff's work.

383. Discriminatory and retaliatory actions by Lipkin which were ignored or inadequately addressed by Columbia and which materially harmed, and continue to **harm Plaintiff's professional reputation** include but are not limited to those actions which impaired Plaintiff's ability to timely meet grant deadlines, along with the following: refusing to allow Plaintiff to receive appropriate recognition in both internal and external publications; refusing to allow postings on the Center website regarding Plaintiff's work unless the posting also included Lipkin; directing Plaintiff not to speak at internal and external meetings; requiring Plaintiff to obtain Lipkin's permission before giving invited talks; routinely presenting Plaintiff's work as his own in meetings with collaborators; blocking Plaintiff from participation in meetings with donor relations staff and with potential and actual donors and from fundraising efforts relating to work

Plaintiff spearheaded and in which she was actively engaged; insisting on being co-PI on grant applications in situations where Plaintiff should have appropriately been sole PI; removing Plaintiff as a PI or removing her altogether from her own grants and making himself sole PI on grants for which Plaintiff had been the sole PI; repeatedly demanding inappropriate credit on papers; falsely telling outside colleagues that Plaintiff can no longer work on joint projects; changing scope of grants to exclude Plaintiff from work on grants she wrote and is either a co-PI or sole PI on; criticizing Plaintiff's work without justification; giving credit to supervisees or others for work Plaintiff performed; falsely telling a European colleague that Plaintiff was responsible for the failure to apply for a grant renewal, when that had been Lipkin's sole decision, and then crediting someone else for bringing in the grant money that kept the project going, when Plaintiff had been the person who wrote the successful grant applications; requiring a Center staff member to "babysit" Plaintiff when she gives interviews on her work; repeatedly excluding Plaintiff from discussions about authorship on papers, insisting on inappropriate co-authorship, and wrongly denying Plaintiff appropriate co-authorship; barring Plaintiff from meetings with collaborators; and falsely taking full, public credit for discoveries on a grant where he and Plaintiff are co-PIs.

384. Discriminatory and retaliatory actions by Lipkin which were ignored or inadequately addressed by Columbia and which have materially harmed, and continue to **harm Plaintiff's professional development** include but are not limited to the following: refusing to allow Plaintiff to receive appropriate recognition in both internal and external publications; refusing to allow postings on the Center website regarding Plaintiff's work unless the posting also included Lipkin; directing Plaintiff not to speak at internal and external meetings; requiring Plaintiff to obtain Lipkin's permission before giving invited talks; routinely presenting Plaintiff's work as his own in meetings with collaborators; blocking Plaintiff from participation in meetings

with donor relations staff and with potential and actual donors and from fundraising efforts relating to work Plaintiff spearheaded and in which she was actively engaged; insisting on being co-PI on grant applications in situations where Plaintiff should have appropriately been sole PI; barring postdocs and senior researchers, technicians, and project managers paid in part or in whole by funds designated for support of Plaintiff's work from doing the work for Plaintiff that was contemplated by the grant or donation; denying Plaintiff equal access to other Center staff for needed support of her research or grant-writing; repeatedly demanding inappropriate credit on papers; falsely telling outside colleagues that Plaintiff can no longer work on joint projects; changing scope of grants to exclude Plaintiff from work on grants she wrote and is either a co-PI or sole PI on; criticizing Plaintiff's work without justification; giving credit to supervisees or others for work Plaintiff performed; falsely telling a European colleague that Plaintiff was responsible for the failure to apply for a grant renewal, when that had been Lipkin's sole decision, and then crediting someone else for bringing in the grant money that kept the project going, when Plaintiff had been the person who wrote the successful grant applications; requiring a Center staff member to "babysit" Plaintiff when she gives interviews on her work; repeatedly withholding research data developed under grants on which Plaintiff is sole or co-PI; repeatedly excluding Plaintiff from discussions about authorship on papers, insisting on inappropriate co-authorship, and wrongly denying Plaintiff appropriate co-authorship; wrongly diverting monies earmarked for support of Plaintiff's research to other projects; removing Plaintiff as co-PI on a project and then unilaterally canceling a key part of that project; repeatedly undermining Plaintiff's working relationships with colleagues and staff; barring Plaintiff from meetings with collaborators; excluding Plaintiff from discussions of work and analyses performed on samples and clinical data from projects on which Plaintiff is a PI; failing to take steps necessary for outside collaborators and former Center

employees to provide to Plaintiff data and research generated from projects on which Plaintiff was or is a PI; refusing to provide assurances that Plaintiff will receive future data generated using samples from projects on which Plaintiff is sole or co-PI and that these datasets, including data generated by external collaborators, will be received contemporaneously with all other Center investigators involved in the projects; failing to consult with Plaintiff before committing samples and data from grants on which she is a co-PI and excluding her from access to the outcomes of the resulting studies; excluding Plaintiff from hiring decisions on grants where she is co-PI; and delaying necessary hiring of persons to support Plaintiff's work.

385. Discriminatory and retaliatory actions by Lipkin which have undermined, and continue to **undermine Plaintiff's working relationships with colleagues** -- including but not limited to repeatedly attempting to coerce colleagues into criticizing Plaintiff's productivity and falsely implying that Plaintiff was trying to usurp decision-making authority on the ABC project -- and Columbia's failure to adequately address these actions, have isolated Plaintiff and have made collaborations with Plaintiff's Columbia colleagues nearly impossible, thereby further harming Plaintiff's professional development.

COUNT I

Violation of Title VII by Columbia – Disparate Treatment

386. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 385.

387. Defendant Lipkin repeatedly subjected Plaintiff to discrimination in compensation and in the terms, conditions, and privileges of her employment based on her gender.

388. Lipkin's discriminatory actions were taken in whole or in substantial part because of Plaintiff's gender.

389. Each of Lipkin's discriminatory acts was reported to one or more of the following Columbia employees: head of Mailman Human Resources Carmen DeLeon, Mailman Human Resources Director Joanne Bowman, Mailman Dean Linda Fried, Mailman Associate Dean Regina Santella, or Columbia in-house employment counsel Patricia Sachs Catapano, and/or to Columbia's outside counsel for this matter, Susan Friedfel.

390. Through these reports, Columbia was on notice of each act of discriminatory treatment by Lipkin complained of herein.

391. Despite repeated requests by Plaintiff, Columbia failed to address or adequately ameliorate the harms caused by the discriminatory treatment.

392. Upon information and belief, despite its knowledge of Lipkin's discriminatory actions, Columbia imposed no meaningful discipline on Lipkin.

393. Plaintiff has suffered, is now suffering, and will continue to suffer irreparable injury, economic loss, reputational harm, damage to her professional development, emotional and physical distress, and other compensable damages as a result of the discriminatory treatment.

394. By Defendants' sctions and failures to act, Columbia violated § 703 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e-2(a).

395. Columbia's actions and failures to act in response to Plaintiff's complaints of discriminatory treatment were willful or in reckless disregard for Plaintiff's rights under Title VII.

COUNT II

Violation of Title VII by Columbia – Retaliation

396. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 385 and 387 through 395.

397. Plaintiff participated in activities protected by § 704(a) of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-3 by complaining repeatedly to Columbia employees Bowman, DeLeon, Fried, Santella, and Catapano and/or to Columbia's outside counsel Friedfel about Lipkin's discriminatory and retaliatory actions (the "Complaints").

398. Plaintiff also participated in a protected activity by filing a charge of discrimination with the EEOC.

399. Beginning immediately after Lipkin learned of Plaintiff's complaints and continuing to the present, Lipkin repeatedly took actions that, both separately and in the aggregate, harmed Plaintiff to the point that they could well dissuade a reasonable employee of the Center from making a charge of discrimination.

400. Lipkin's actions were taken in retaliation for Plaintiff's Complaints.

401. Columbia was made aware of Lipkin's retaliatory actions.

402. Despite repeated requests by Plaintiff, Columbia failed to address or adequately ameliorate the harms caused by Lipkin's retaliatory actions.

403. Upon information and belief, despite its knowledge of Lipkin's retaliatory actions, Columbia imposed no meaningful discipline on Lipkin.

404. Plaintiff has suffered, is now suffering, and will continue to suffer irreparable injury, economic loss, reputational harm, damage to her professional development, emotional and physical distress, and other compensable damages as a result of the retaliation.

405. By Defendants' actions and failures to act, Columbia retaliated against Plaintiff in violation of § 704(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-3.

406. Columbia's failure to address or ameliorate the harms caused by Lipkin's retaliatory actions was willful or in reckless disregard for Plaintiff's rights protected under Title VII.

COUNT III

Violation of the NYCHRL by Columbia and Lipkin -Disparate Treatment

407. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 385, 387 through 395, and 397 through 406.

408. Lipkin repeatedly discriminated against Plaintiff in compensation, terms, conditions, and privileges of employment.

409. These actions were taken by Lipkin in whole or in substantial part because of Plaintiff's gender.

410. Lipkin's actions were far more serious than petty slights or trivial inconveniences.

411. Each of Lipkin's discriminatory acts was reported to Columbia employees Bowman, DeLeon, Fried, Santella, and Catapano and/or Columbia's outside counsel Friedfel.

412. Through these reports, Columbia was on notice of each act of discriminatory treatment complained of herein.

413. Despite repeated requests by Plaintiff, Columbia failed to address or adequately ameliorate the harms caused by Lipkin's discriminatory actions.

414. Upon information and belief, despite its knowledge of Lipkin's discriminatory actions, Columbia imposed no meaningful discipline on Lipkin.

415. Plaintiff has suffered, is now suffering, and will continue to suffer irreparable injury, economic loss, reputational harm, damage to her professional development, emotional and physical distress, and other compensable damages as a result of the discriminatory treatment.

416. By their actions and failures to act, Defendants violated Plaintiff's rights under New York City Admin. Code § 8-107(10(a).

417. Lipkin's discriminatory actions were willful or in reckless disregard for Plaintiff's rights under the New York City Human Rights Law.

418. Columbia's actions and failures to act in response to Plaintiff's complaints of discriminatory treatment were willful or in reckless disregard for Plaintiff's rights under the New York City Human Rights Law.

COUNT IV

Violation of the NYCHRL by Columbia and Lipkin –Retaliation

419. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 385, 387 through 395, 397 through 406, and 408 through 418.

420. By complaining repeatedly to Columbia employees Bowman, DeLeon, Fried, Santella, and Catapano and/or to Columbia's outside counsel Friedfel about Lipkin's discriminatory and retaliatory actions (the "Complaints"), Plaintiff opposed practices forbidden by the NYCHRL.

421. Plaintiff also opposed practices forbidden by the NYCHRL by filing a charge of discrimination with the EEOC.

422. Beginning immediately after Plaintiff's initial complaint and continuing to the present, Lipkin repeatedly engaged in conduct, condoned by Columbia, that was reasonably likely to deter an employee of the Center from making a charge of discrimination or retaliation.

423. Lipkin's actions were taken in whole or in substantial part in retaliation for the Complaints.

424. Plaintiff has suffered, is now suffering, and will continue to suffer irreparable injury, economic loss, reputational harm, damage to her professional development, emotional and physical distress, and other compensable damages as a result of the retaliation.

425. By Defendants' actions and failures to act, they retaliated against Plaintiff in violation of New York City Admin. Code § 8-107 et seq.

426. Defendants' actions and failures to act were willful or in reckless disregard for Plaintiff's rights protected under New York City Admin. Code § 8-107 et seq.

JURY TRIAL DEMAND

427. Plaintiff hereby demands a jury trial.

PRAYER FOR RELIEF

WHEREFORE Plaintiff respectfully requests that this Court:

A. Declare that Defendant Columbia engaged in unlawful employment practices prohibited by Title VII and the NYCHRL;

B. Declare that Defendant Lipkin engaged in unlawful employment practices prohibited by the NYCHRL;

C. Issue appropriate injunctive relief, including but not limited to an Order restraining Lipkin and Columbia, its employees, agents, and officers from engaging in further discriminatory and retaliatory employment practices complained of herein;

D. Award Plaintiff back pay and compensatory and punitive damages, along with interest, appropriate to the proof at trial;

E. Award reasonable attorneys' fees and costs, including expert fees; and

F. Order such other and further legal and equitable relief as the Court deems just and proper.

Dated: New York, New York
May 15, 2017

Respectfully submitted,

S/_____

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