

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Civil Division

Filed
D.C. Superior Court
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Clerk of the Court

JEFFREY THOMAS, JR.

301 Virginia St Unit 1514
Richmond, VA 23219

Plaintiff,

v.

Case No. 2021 CA 002205 B

WAYNE PACELLE

3211 Leland St
Chevy Chase, MD 20815

And

MIKE MARKARIAN

9123 Flower Ave
Silver Spring, MD 20901

AMANDA HUNGERFORD

212 Dogwood Avenue
Takoma Park, MD 20912

KATE KARL

BECKY BRANZELL

SARA MARSHMAN

SARA AMUNDSON

REBECCA CARY

1255 23rd St NW
Washington, D.C. 20037
c/o Karla Grossenbacher

Defendants.

COMPLAINT AND JURY DEMAND

This is an action by Plaintiff Jeffrey Thomas, Jr. ("Thomas") against Defendants, former Humane Society of the United States ("HSUS") Chief Executive Officer Wayne Pacelle ("Pacelle"), former HSUS Chief Operating Officer Mike Markarian ("Markarian"), HSUS General Counsel Kate Karl ("Karl"), HSUS Deputy General Counsel Becky Branzell ("Branzell"), HSUS Office of General Counsel Attorney Sara Marshman

(“Marshman”), former HSUS attorney Amanda Hungerford, HSUS attorney Rebecca Cary, and Humane Society Legislative Fund (“HSLF”) President Sara Amundson (“Amundson”) to recover damages for retaliation; defamation; invasion of privacy; breach of contract; breach of fiduciary duty; harassment; intentional infliction of emotional distress; and tortious interference with contract, as a result of Defendants’ actions.

Plaintiff was an employee of the Humane Society Legislative Fund in 2017.

Defendants are a group of executives and attorneys who conspired to hijack the charitable resources of HSUS and HSLF in order to protect then-HSUS CEO Wayne Pacelle from Plaintiff’s repeated complaints about his discrimination against women and his inappropriate relationship with his personal assistant, Crystal Moreland. Instead of taking action against CEO Pacelle based on Plaintiff’s repeated complaints, which were protected by the employee handbook and the D.C. Human Rights Act, Defendants maliciously used the power and resources of the charity they controlled or worked for to retaliate against Plaintiff.

JURISDICTION AND VENUE

1. This Court has jurisdiction over this action pursuant to DC Code §11-921.
2. This Court has personal jurisdiction over Defendants under DC Code §13-423. Venue is appropriate in this Court, as all relevant actions alleged to be unlawful were committed within the jurisdiction of the Superior Court of the District of Columbia.

STATUTE OF LIMITATIONS

3. Defendants’ illegal actions became known to Plaintiff during discovery in *Thomas v. Moreland*, D.C.D.C. Civil No. 18-cv-00800-TJK.
4. *Thomas v. Moreland* is a defamation suit brought by Plaintiff concerning related actions HSUS Special Assistant to the CEO Crystal Moreland took against Plaintiff in 2017.
5. Plaintiff first learned of information regarding Defendants’ conspiracy and the actions giving rise to the instant suit on July 27, 2020 during discovery in *Thomas v. Moreland*. Plaintiff could not have known about the relation scheme prior to that time. Plaintiff received additional information relevant to the instant case in HSUS’ 30(b)(6) depositions on October 19 and 22, 2020 and June 15, 2021.

6. Defendants successfully conspired to hide their illegal actions giving rise to this suit from Plaintiff for years.
7. The statute of limitations for retaliation claims is three years from knowledge of events giving rise to the claim under D.C. Code §2-1402.61.
8. The statute of limitations for invasion of privacy claims is one year from knowledge of events giving rise to the claim under D.C. Code §12-301.
9. The statute of limitations for defamation claims is one year from knowledge of events giving rise to the claim under D.C. Code §12-301.
10. The statute of limitations for employment breach of contract and tortious interference with contract claims is three years from knowledge of events giving rise to the claims under D.C. Code §12-301.
11. The statute of limitations for breach of fiduciary duty claims is three years from knowledge of events giving rise to the claim under D.C. Code §12-301.
12. The statute of limitations for harassment claims is three years from knowledge of events giving rise to the claim under D.C. Code §12-301.
13. The statute of limitations for intentional infliction of emotional distress claims is three years from knowledge of events giving rise to the claim under D.C. Code §12-301.
14. All claims are within the statute of limitations.

IDENTIFICATION OF PARTIES

15. The Humane Society of the United States (“HSUS”) is a 501(c)(3) charity and the Humane Society Legislative Fund (“HSLF”) is its 501(c)(4) nonprofit affiliate. HSUS and HSLF are headquartered in the District of Columbia. Both HSUS and HSLF must be operated exclusively for tax-exempt purposes under IRS Section 501(c). HSUS may not engage in electioneering activity, while HSLF may. HSUS and HSLF share office space, resources, some personnel and some Board members. The largest source of funding for HSLF is a yearly grant from HSUS.
16. All parties were all employed by HSUS and/or HSLF in 2017.

17. Plaintiff was a resident of the District of Columbia from approximately February 1, 2017 to June 1, 2020.
18. Plaintiff was an employee of HSLF from February 13, 2017 through November 8, 2017.
19. Defendants were all employed by HSUS and/or HSLF in 2017.
20. Plaintiff was a resident of the District of Columbia during the time in which the facts giving rise to this lawsuit transpired.
21. Plaintiff was employed as a Policy Analyst in the DC office of HSUS/HSLF from February 13, 2017 through November 8, 2017.
22. Defendant Pacelle was the Chief Executive Officer of HSUS in 2017. At that time he also served as a Board member of HSUS and HSLF. He was fired in 2018.
23. Defendant Markarian was the Chief Operating Officer of HSUS in 2017 and #2 person in the organization. At that time he was also the President of HSLF and was on its Board. He resigned in 2018.
24. Defendant Karl was General Counsel of HSUS in 2017 and remains in that role to the present. During that time Karl also has served on the Board of Directors.
25. Defendant Branzell was Deputy General Counsel of HSUS in 2017. She remains in that role today.
26. Defendant Amundson was Vice President of HSLF in 2017 and was promoted to President of HSLF to replace Markarian in 2018. She remains in that role today.
27. Defendant Marshman was an attorney in the HSUS Office of General Counsel in 2017. She remains in that role today.
28. Defendant Hungerford was a staff attorney at HSUS in 2017. She resigned in 2018.
29. Defendant Cary was a staff attorney at the HSUS in 2017. She remains in that role today.

FACTUAL ALLEGATIONS

30. Plaintiff was a charitable donor to HSUS and HSLF.
31. In December 2016, Plaintiff emailed CEO Pacelle to offer to work for HSLF in an entry-level role at a below market rate salary because of Plaintiff's desire to help animals.
32. Plaintiff was hired as a Policy Analyst for HSLF in the D.C. office shared by HSUS and HSLF.

33. Plaintiff moved to D.C. to take this position and would usually work twelve hour days in the office.
34. Articles in the national press have confirmed that CEO Pacelle is a sex abuser.
35. Pacelle was terminated in February 2018 after the *New York Times* reported that he had sexually assaulted an employee in his office.¹
36. According to the account of a named victim published in the *New York Times*, “On more than one occasion after 2010, she said, Mr. Pacelle summoned her to his office and pressured her for sex. She said she refused and once tried to placate him with a hug. After hugging her goodbye, he turned her around, pushed her over his desk and rubbed his genitals against her, she said. “I said, ‘I’m going to elbow you really hard right now if you don’t stop,’” she recalled. “I stood up for myself, and then he just went and sat down. He never hit on me again.””
37. Upon information and belief, some or all of Defendants knew that Pacelle had been accused multiple times of sexual misconduct.
38. Upon information and belief, some or all of Defendants knew that HSUS had used charitable dollars to pay settlements to employees alleging retaliation.
39. The *Washington Post* reported that “three women... said Pacelle harassed them” and that the organization “offered settlements to three other workers who said they were dismissed or demoted after speaking up about Pacelle’s alleged sexual misconduct.”²
40. *Politico* reported that Pacelle was “in an open relationship” with his wife.³
41. The *Washington Post* reported that Pacelle “grabbed” a twenty-year-old woman he purported to give career advice to so he could get her alone in a hotel room. “Pacelle approached her when she paid to attend the ‘Spotlight Humane’ black-tie event at the Sofitel hotel in Chicago eight years ago. He asked her about her career goals. She recalls saying she wanted to work for the Humane Society and that Pacelle started telling her about internships there. Then, she said, Pacelle said he’d forgotten something

¹ <https://www.nytimes.com/2018/02/02/us/humane-society-ceo-sexual-harassment-.html>.

² https://www.washingtonpost.com/business/economy/humane-society-keeps-ceo-after-sexual-harassment-complaints-prompting-seven-board-members-to-resign/2018/02/01/781e9f9c-0769-11e8-b48c-b07fa957bd5_story.html.

³ <https://www.politico.com/magazine/story/2018/01/30/humane-society-sexual-harassment-allegations-investigation-216553/>.

in his room and asked whether she wanted to walk there with him so they could keep talking. [She] said she agreed. ‘Once we were inside his room, he grabbed my arm and began to forcefully kiss me,’ she said. ‘I was really scared and really surprised. I did not reciprocate.’ ... [She] said she fled and promptly told her mother.”⁴

42. The *Washington Post* reported that Pacelle attempted to initiate a sexual encounter with an intern in his car. “When she was an intern at the charity in 2005, Pacelle invited her to a coffee shop near Washington National Cathedral under the guise of a mentoring session. ‘He very abruptly stood up, pulled me against him, tilted my head and kissed me,’ she said. ‘I left shortly after. He pursued me, called me and tried to get me to sit in his car.’ [She] showed *The Post* an email she sent to her then-boyfriend in August 2005 describing an unwanted interaction with an unnamed person at work: ‘I ended up talking to my mom and she said I cannot run from uncomfortable encounters,’ she wrote at the time.”⁵

43. The *Washington Post* reported that “Pacelle had tried to salsa dance with [an employee] in the office one evening in 2012, she said, and then repeatedly asked her to meet him in his office alone. That behavior compelled her to leave the charity, she said.”⁶

44. The *Washington Post* reported that an employee “said Pacelle had kissed her after a work dinner in 2007 and then invited her to his hotel room, a request she declined. Three weeks later, she said, he asked her whether she wanted to have sex in his office. She refused. Her husband told *The Post* that she had described the incident to him later that year. ‘I started to notice that I was being shut out of things,’ she told *The Post*. She spoke on the condition of anonymity because she fears retaliation. ‘I thought maybe it was because I wasn’t talented or smart enough. It destroyed my confidence. I wondered if I should have just gone along with it.’”⁷

⁴ https://www.washingtonpost.com/business/economy/the-humane-society-s-sexual-harassment-scandal-just-wont-end/2018/03/23/52b9e996-1647-11e8-8b08-027a6ccb38eb_story.html.

⁵ https://www.washingtonpost.com/business/economy/humane-society-keeps-ceo-after-sexual-harassment-complaints-prompting-seven-board-members-to-resign/2018/02/01/781e9f9c-0769-11e8-b48c-b07fea957bd5_story.html.

⁶ https://www.washingtonpost.com/business/economy/humane-society-keeps-ceo-after-sexual-harassment-complaints-prompting-seven-board-members-to-resign/2018/02/01/781e9f9c-0769-11e8-b48c-b07fea957bd5_story.html.

⁷ https://www.washingtonpost.com/business/economy/the-humane-society-s-sexual-harassment-scandal-just-wont-end/2018/03/23/52b9e996-1647-11e8-8b08-027a6ccb38eb_story.html.

45. Plaintiff's cubicle was approximately twenty feet from the D.C. offices of CEO Pacelle and his "special assistant," Crystal Moreland.
46. CEO Pacelle was an approximately 52-year-old married man and Special Assistant Moreland was an approximately 26-year-old unmarried woman.
47. From his cubicle, Plaintiff observed the bizarre and inappropriate nature of the relationship between Pacelle and Moreland.
48. Pacelle and Moreland would spend twelve-hour days together. Pacelle would often pick Moreland up in the morning, drive her home at night and use charitable dollars to travel with her and stay at hotels around the country. Moreland would follow Pacelle around and frequently go into his office and close the door behind her.
49. Upon information and belief, Assistant Moreland and CEO Pacelle had an inappropriate, physical relationship.
50. The HSUS employee handbook states that the following individuals are points of contact for concerns about sexual harassment or discrimination against women: "your immediate manager or department head; or any employee in the Human Resources department; or the Chief Operating Officer; or the Chief of Staff; or any attorney in the Office of General Counsel."⁸
51. Each of those individuals delineated in the employee handbook had a duty to take corrective action under the handbook after hearing complaints from Plaintiff.
52. Each of those individuals and every Defendant were aware of Plaintiff's complaints about the inappropriate relationship between the CEO and his 'special assistant.'
53. The employee handbook forbids retaliation against employees expressing concerns about harassment or discrimination against women.

⁸ The section of the employee handbook on sexual harassment in effect during the time Plaintiff complained about Pacelle and Defendant's inappropriate relationship (i.e., the handbook issued on December 1, 2016) is publicly available at <https://www.animals24-7.org/2018/01/30/hsus-president-wayne-pacelle-more-comes-out/>.

54. Having a sexual relationship between supervisor and subordinate without telling the head of HR or the General Counsel or Deputy General Counsel “immediately” is a violation of the HSUS employee handbook’s policies on harassment and potentially a terminable offense.⁹
55. In early April 2017, Plaintiff reported his concerns about Pacelle’s sexism and the inappropriate relationship between Special Assistant Moreland and the CEO to Moreland.
56. On or about April 10, 2017, Thomas also reported to his supervisor’s supervisor, Sara Amundson, then-Vice President of HSLF, his belief that CEO Pacelle was engaged in inappropriate, sexist behavior towards women in the workplace.
57. Plaintiff also reported to Vice President Amundson his concerns about the relationship between CEO Pacelle and Special Assistant Moreland.
58. Ms. Amundson replied that she herself had “dated” Pacelle, and that she believed Moreland and Pacelle had a “co-dependency.” Upon information and belief, Ms. Amundson also had a physical relationship with Pacelle.
59. Instead of reporting Plaintiff’s concerns about CEO Pacelle’s treatment of women, Ms. Amundson gaslighted Plaintiff and reported Plaintiff’s concerns about Pacelle to Pacelle.
60. Plaintiff also expressed concerns about CEO Pacelle and Special Assistant Moreland’s relationship to his supervisor.
61. Plaintiff also expressed concerns about CEO Pacelle and Special Assistant Moreland’s relationship to Chief Operating Officer Mike Markarian.
62. Plaintiff also expressed concerns about CEO Pacelle and Special Assistant Moreland’s relationship to staff attorneys Amanda Hungerford and Rebecca Cary.
63. Complaints about the CEO’s discrimination against women and inappropriate relationship with his assistant were both required under and protected by the employee handbook. Complaints about discrimination against women are also protected under the D.C. Human Rights Act.

⁹ The section of the employee handbook on sexual harassment in effect during the time Plaintiff complained about Pacelle and Defendant’s inappropriate relationship (i.e., the handbook issued on December 1, 2016) is publicly available at <https://www.animals24-7.org/2018/01/30/hsus-president-wayne-pacelle-more-comes-out/>.

64. Plaintiff expressed concerns about the CEO's sexist and inappropriate relationship with the special assistant to a universe of supervisors, attorneys and executives in April 2017. Knowledge of those complaints was not limited to Special Assistant Moreland and HSLF President Sara Amundson, but included executive staff, D.C. attorneys Amanda Hungerford and Rebecca Cary, the Deputy head of HR, the head of HR, Office of General Counsel Attorney Sarah Marshman, Deputy General Counsel Becky Branzell, General Counsel Kate Karl, COO Mike Markarian and CEO Pacelle and was recorded in detail in their own internal documents.
65. Defendants did not investigate Plaintiff's complaints about the CEO.
66. Defendants began a defamation campaign to maliciously defame Plaintiff as a "mole" who was not an was secretly conducting industrial espionage at the charity. HSUS is a charity purporting to help animals with roughly one million donors and tens of thousands of American volunteers.
67. Some or all of Defendants were afraid that Plaintiff would go to the *Washington Post* with his concerns about CEO Pacelle's misconduct and other unethical or illegal activity at the Humane Society.
68. CEO Pacelle used the Humane Society to recruit and groom sexual prospects and victims, retaliate against whistleblowers, and air sad commercials about animal abuse to fundraise for charitable dollars to 'help animals' that were used to pay settlements to his victims through the HSUS Office of General Counsel.
69. Pacelle promoted to positions of power executives who facilitated his sexual abuse, retaliation, and hush money settlements.
70. Special Assistant Moreland reported Plaintiff to HR for expressing concerns about her inappropriate relationship with CEO Pacelle to no less than five people.
71. Special Assistant Moreland also reported to HR that CEO Pacelle was aware of Plaintiff's complaints.

72. Plaintiff reported his concerns about Pacelle and Defendant's inappropriate relationship to COO Mike Markarian, yet Markarian did nothing about it even though he was a point of contact for reporting concerns about discrimination against women under the employee handbook.¹⁰
73. Assistant Moreland verified Plaintiff's reports to COO Markarian in her HR report.
74. COO Markarian resigned in August 2018 after the *Washington Post* reported in March 2018 that Markarian covered up CEO Pacelle's sexual misconduct. It was reported that Markarian told a whistleblower reporting her "most disturbing" concerns about Pacelle's that that her job was "to protect Wayne."¹¹ "Melinda Fox, who worked as the senior director of outreach and strategic initiatives at the Humane Society from 2005 to 2008, said she was pushed out after expressing concerns about how Pacelle interacted with female donors. She wrote in a widely shared Facebook post that she received "calls and emails from donors — women Wayne had affairs with, and when he turned cold with them, called [me] crying and sent lengthy emails saying they felt 'used.'" She sent "the most disturbing one" to Pacelle and Mike Markarian, the Humane Society's current chief operating officer. "Markarian called me into his office to tell me my job 'was to protect Wayne,' " Fox wrote. "I told him it was 'Wayne's job to protect Wayne, and that he needed to reel himself in and stop sleeping with donors.'" "
75. Markarian's wife was a former HSUS employee.
76. After the *Washington Post* reported that COO Markarian had covered up CEO Pacelle's sexual abuse, Markarian announced that he would resign to "move to Italy, where I'll be studying and pursuing a career in wine."¹²
77. Defendants began their retaliation campaign against Plaintiff immediately after and in response to Plaintiff's complaints about CEO Pacelle's mistreatment of women and the inappropriate relationship between Pacelle and Moreland.

¹⁰ The section of the employee handbook on sexual harassment in effect during the time Plaintiff complained about Pacelle and Defendant's inappropriate relationship (i.e., the handbook issued on December 1, 2016) is publicly available at <https://www.animals24-7.org/2018/01/30/hsus-president-wayne-pacelle-more-comes-out/>.

¹¹ https://www.washingtonpost.com/business/economy/the-humane-societys-sexual-harassment-scandal-just-wont-end/2018/03/23/52b9e996-1647-11e8-8b08-027a6c0b38eb_story.html.

¹² <https://www.animals24-7.org/2018/07/24/wayne-pacelle-jurassic-world-fallen-kingdom-celebrate-returns-from-extinction/>.

78. Defendants deliberately operated a beloved charity to create or enable a culture of deceit, duplicity, retaliation, cover up, discrimination, and/or sexual abuse. The vast majority of HSUS employees, rank-and-file staff, truly altruistic executives and attorneys, donors, and volunteers were victims of this predatory culture. The Humane Society had a paranoid ethic in which employees were indoctrinated to hunt for “moles.”
79. The Humane Society’s “mole” hunting was, in reality, designed to cover up CEO Pacelle’s sexual misconduct through a formalized retaliation system that exposed whistleblowers.
80. It was an internal mantra and urban legend that somebody who wanted to *destroy HSUS* would plant a *mole* to *hurt Wayne*.
81. Two of the nation’s leading animal journalists wrote that the environment around Pacelle was “a cult of personality.”¹³
82. Beginning at orientation, employees were brainwashed with the “mole” ideology.
83. When revelations about CEO Pacelle’s sexual abuse were reported in the press, Pacelle described the whistleblowing of his sexual misconduct as “a coordinated attempt to attack me and the organization.”¹⁴
84. Then-Chief Operating Officer Mike Markarian’s executive assistant, Sarah Barnett, was the organization’s designated ‘mole hunter.’
85. Pacelle and some other Defendants set up a fake anti-harassment group they labeled “Women@Work” in which they claimed to offer a safe space for employees to report concerns about sexual harassment. The true purpose of this group was to reveal complaints about mistreatment of women and report them back to him and the Office of General Counsel so that whistleblowers could be targeted for retaliation.
86. Immediately after attending a Women@Work anti-harassment training, Plaintiff reported his concerns about CEO Pacelle’s sexism, discrimination against women, and relationship with the young assistant to Amanda Hungerford, an attorney on the Women@Work task force. Attorney Rebecca Cary was also in this three-person meeting.

¹³ <https://www.animals24-7.org/2018/01/28/is-wayne-pacelle-on-his-way-out-at-the-humane-society-of-the-u-s/>.

¹⁴ https://www.washingtonpost.com/business/economy/humane-society-ceo-is-subject-of-sexual-harassment-complaints-from-three-women-according-to-internal-investigation/2018/01/29/12c8961e-053b-11e8-94e8-e8b8600ade23_story.html.

87. Hungerford did not act on Plaintiff's complaints about CEO Pacelle but reported Plaintiff for reporting CEO Pacelle in late April 2017.
88. Instead of acting on Plaintiff's complaint about the CEO and the assistant, Attorney Hungerford texted Assistant Moreland that Plaintiff "was asking some really probing questions about sexism at HSUS" and that she was purportedly concerned he was a 'mole.'
89. Assistant Moreland replied, "I showed your text to [CEO] Wayne [Pacelle] and asked that he, [General Counsel] Kate Karl and I find a few minutes to chat about it today. I am really worried." "Someone told me he took notes" at the 'Women@Work' meeting, Attorney Hungerford wrote. "Oh my goodness," replied Assistant Moreland. "That can't be good."
90. In early May 2017, Pacelle called Plaintiff into his office and said "I heard you have some concerns about sexual harassment."
91. The *Washington Post* reported that an employee alleged retaliation and "received a settlement from the Humane Society after she complained about Pacelle's alleged girlfriend joining her team without qualifications."¹⁵
92. In response to Plaintiff's complaints, Defendants, other than perhaps Hungerford and Cary, conspired to retaliate against Plaintiff by ordering security and IT to secretly run an invasive and defamatory intelligence-gathering operation on Plaintiff.
93. Defendants, other than perhaps Hungerford and Cary, conspired to retaliate against Plaintiff by secretly investigating without good cause the private details of Plaintiff's personal and family life, including the June 2017 death of his mother.
94. Nobody ever told Plaintiff that they ordered employees and executives to secretly investigate the private details of his personal life.
95. Defendants, other than perhaps Hungerford and Cary, used charitable dollars to purchase an anti-wiretapping machine used to search for bugs.

¹⁵ https://www.washingtonpost.com/business/economy/humane-society-ceo-is-subject-of-sexual-harassment-complaints-from-three-women-according-to-internal-investigation/2018/01/29/12c8961e-053b-11e8-94e8-e8b8600ade23_story.html

96. Defendants, other than perhaps Hungerford and Cary, conspired to retaliate against Plaintiff by ordering IT to secretly search Plaintiff's private phone for bugs they knew did not exist.
97. Nobody ever told Plaintiff that his private phone was searched even after no evidence was found to support the bug fabrication. Defendants, other than perhaps Hungerford and Cary, conspired to keep this illegal, unwarranted invasion of privacy secret from Plaintiff. Plaintiff could not have known about this nonconsensual, fake bug hunt of his private phone until July 27, 2020 at the earliest.
98. Defendants, other than perhaps Hungerford and Cary, conspired to retaliate against Plaintiff to secretly monitor Plaintiff's private trips to the restroom without good cause.
99. Nobody ever told Plaintiff that employees and executives were secretly monitoring his private trips to the bathroom.
100. Defendants, other than perhaps Hungerford and Cary, conspired to retaliate against Plaintiff by secretly monitoring Plaintiff's security logs and key fob swipes without good cause.
101. Nobody ever told Plaintiff that employees and executives were secretly monitoring his security logs and key fob swipes.
102. It has been reported in the *Washington Post* that the Humane Society paid three settlements to whistleblowers who alleged they were demoted or fired after they expressed concerns about Wayne Pacelle's mistreatment of women.¹⁶
103. Some HSUS executives and attorneys, including some of Defendants, had experience in using charitable dollars to retaliate against and silence people for criticizing Wayne Pacelle's abuse and sexualization of women in a way that would minimize HSUS liability.
104. Defendants conspired to retaliate against Plaintiff and fire him in a way that would attempt to minimize their liability.
105. Upon information and belief, Defendants attempted to keep CEO Pacelle's fingerprints off the retaliation scheme to "protect Wayne," as a whistleblower had told the *Post* about COO Markarian.

¹⁶ https://www.washingtonpost.com/business/economy/humane-society-ceo-is-subject-of-sexual-harassment-complaints-from-three-women-according-to-internal-investigation/2018/01/29/12c8961e-053b-11e8-94e8-e8b8600ade23_story.html.

106. Assistant Moreland went to HR to accuse Plaintiff of being a “mole” whom she was afraid would report his concerns about CEO Wayne Pacelle’s mistreatment of women to the *Washington Post*.
107. Moreland and some other Defendants defamed Plaintiff as representing a security threat who was allegedly conducting industrial espionage or writing for the *Washington Post*.
108. Special Assistant Moreland further fabricated accusations of Plaintiff stalking her.
109. Special Assistant Moreland further fabricated accusations of Plaintiff sending her inappropriate text messages that do not exist.
110. On October 12, 2017, deputy head of HR Ursula Norbert informed Plaintiff in a three-person meeting with HSLF President Amundson that Plaintiff must stop asking questions about Moreland and Pacelle. Plaintiff asked Ms. Norbert what he had done that was supposedly wrong. The next day, head of HR Jill Little merely wrote Plaintiff that Assistant Moreland had accused him of sending her inappropriate text messages.
111. Defendants and HR deliberately lied and withheld the true “mole” nature of the fabricated accusations from Plaintiff in order to conceal the retaliation scheme.
112. Upon information and belief, the HSUS Office of General Counsel called in former General Counsel Roger Kindler, who was well aware of the settlements HSUS had already paid out to at least three former employees alleging retaliation after they complained about Wayne Pacelle’s mistreatment of women, to help plot the retaliation scheme against Plaintiff.
113. Moreland and Amundson scheduled a meeting out of the office on October 24, 2017 during the time former General Counsel Kindler was meeting with General Counsel Karl and Deputy General Counsel Branzell. The true purpose of this out-of-office meeting was to conceal the retaliation scheme to keep Moreland’s fingerprints off of it.
114. Upon information and belief, Defendants, other than perhaps Hungerford and Cary, knew CEO Pacelle’s sexual misconduct was a liability. The Humane Society had already paid out at least three settlements to people they retaliated against. Thus, they would retaliate against and fire Plaintiff for being a whistleblower while pretending to fire him for being a sexual harasser of Assistant Moreland.

115. Defendants deliberately concealed the retaliation scheme from Plaintiff by lying to Plaintiff about the “mole” allegations against him.
116. Some Defendants, other than perhaps Hungerford and Cary, fabricated the charge that Assistant Moreland had accused Plaintiff of sexual harassment and claimed to fire Plaintiff for supposedly sexually harassing Moreland.
117. The actual evidence between Moreland and Plaintiff demonstrated that Moreland had had a handful of conversations in their lives, she fabricated text messages, had repeatedly invited Plaintiff out to eat, and he repeatedly declined those invitations. The only time Plaintiff agreed to dine with Moreland was a week after his mother’s funeral, when Moreland duplicitously paid for his meal and purportedly wanted to cheer him up.
118. Defendants did not have an actual concern with preventing sexual harassment. The Humane Society employed a sex abuser as its CEO for fifteen years while paying settlements to his victims.
119. The Humane Society would routinely offer financial payments to terminated employees to encourage them to sign nondisclosure agreements. Evidence indicates that NDAs were likely used to cover up similar actions at the Humane Society. After some of the abuse allegations against Pacelle were made public, website was set up for victims of abuse in the animal movement to anonymously share their stories. One person wrote on February 1, 2018, “I was a victim of the CEO and executive officers of a major animal nonprofit. I have signed an NDA and am unable to speak out. I’m feeling hopeless because the harassment case against the CEO recently closed without his being terminated. When will there be justice for those of us that have been bullied and then blacklisted?”¹⁷ On February 1, 2018, the HSUS Board voted to end the investigation into Pacelle and retain him as CEO.¹⁸ He was fired the next day after the *New York Times* reported he had sexually assaulted a named victim in his office.
120. Plaintiff, an employee and donor, repeatedly complained about the CEO’s inappropriate relationship with one of his assistants in spring 2017; instead of investigating the CEO, Humane Society

¹⁷ <https://www.canhac.org/read-testimonials/>.

¹⁸ https://www.washingtonpost.com/business/economy/humane-society-keeps-ceo-after-sexual-harassment-complaints-prompting-seven-board-members-to-resign/2018/02/01/781e9f9c-0769-11e8-b48c-b07fea957bd5_story.html.

executives used charitable dollars to order IT to sweep the office for bugs they claimed Plaintiff planted but knew did not exist; fired Plaintiff; promoted the assistant, and covered up the fake bug hunt, retaliation scheme, and clearly defamatory “mole” allegations for three years.

121. The named victim who CEO Pacelle sexually assaulted in his office resigned from HSUS in 2018, writing in her resignation email that “the board’s handling of the situation ‘made it impossible for me to stay at HSUS and be in good health.’”¹⁹ “We’re not an association that investigates sexual harassment,” said an HSUS Board member.²⁰ “We didn’t hire him to be a choir boy.”²¹ “Which red-blooded male hasn’t sexually harassed somebody?” a Board member told the *New York Times*. “Women should be able to take care of themselves.”²²

122. Upon information and belief, after Plaintiff hired an attorney and could demonstrate that Defendant’s purported text accusations were false, the Office of General Counsel and/or Defendant reached out to Amanda Hungerford, Rebecca Cary, and Sara Marshman, who also falsely accused Plaintiff of being a “mole.”

123. Attorney Cary would incessantly hit on Plaintiff and repeatedly invited him out to “drink” with her. Plaintiff did not reciprocate these feelings, does not drink and rejected these invitations.

124. Upon information and belief, Defendants, other than Hungerford and Cary, decided they would wait to see if Plaintiff would donate money to HSUS in anticipation of the upcoming Virginia elections, fire Plaintiff the morning after the Virginia elections, November 8, 2017, solicit more women to ‘come forward’ accusing Plaintiff of being a “mole” in the interim, and keep the nature of those accusations secret from Plaintiff so they could pretend to fire him for at-will, #MeToo reasons.

125. Plaintiff made a charitable donation to HSUS in May 2017. CEO Pacelle told Plaintiff this would be used “for California.” Shortly thereafter, a job was posted for the newly-created California State

¹⁹ <https://nonprofitchronicles.com/2018/07/19/the-return-of-wayne-pacelle/>.

²⁰ <https://www.philanthropy.com/article/in-fighting-sexual-harassment-donors-hold-power/>.

²¹ https://www.washingtonpost.com/business/economy/humane-society-dismisses-sexual-harassment-complaints-against-ceo-citing-lack-of-credible-evidence/2018/02/02/45b163e4-083b-11e8-8777-2a059f168dd2_story.html.

²² <https://www.nytimes.com/2018/02/02/us/humane-society-ceo-sexual-harassment.html>.

Director Position. Shortly before Plaintiff was fired, Special Assistant Moreland was promoted to her dream job as the California State Director in Hollywood, California.

126. The Humane Society has a network of roughly 2,000 *pro bono* attorneys in the United States. Some of Defendants secured *pro bono* counsel for Assistant Moreland to defend her against Plaintiff's defamation case.
127. The Humane Society never fired or even reprimanded Assistant Moreland for her defamation and retaliation campaign or inappropriate relationship with CEO Pacelle.
128. Defendants have never received any sanction whatsoever for their illegal activity as regards Plaintiff. They were rewarded with continued employment and, except perhaps for Pacelle, legal representation paid for by charitable dollars.
129. In late September 2017, Plaintiff emailed roughly fifteen coworkers, including Hungerford and Cary, that a male receptionist was acting in a community theater play over the next two weeks. Plaintiff told coworkers that he would attend on Saturday evening, October 7, 2017. Hungerford and Cary attended the play with Plaintiff on that particular night. Roughly three weeks later, Attorneys Hungerford and Cary would maliciously report to the Office of General Counsel a knowingly fabricated complaint that Plaintiff was a "mole" and a security and/or safety threat.
130. After Plaintiff was fired, Attorney Hungerford invited Plaintiff to dine with alone. Her employer paid for these meals and she kept the retaliation scheme and her fabricated "mole" report hidden from Plaintiff.
131. In 2019, Attorney Hungerford published an essay about mistreatment of women in the animal movement in which she portrayed herself as a friend of the #MeToo movement without disclosing that she had received Plaintiff's complaints about CEO Pacelle in 2017 and retaliated against Plaintiff.
132. In 2018, the HSUS public relations apparatus released numerous statements expressing support for female victims of CEO Pacelle in order to portray itself as a friend of women for fundraising

purposes. After Pacelle's scandal, year-over-year donations to the Humane Society declined by more than \$26 million between 2017 and 2018.²³

133. Upon information and belief, the HSUS Office of General Counsel never interviewed or informed Plaintiff about Defendants' "mole" or wiretapping accusations because its attorneys knew they were false, knew that Plaintiff could disprove what they were representing were Defendant's accusations and wanted to have a "multiple women came forward" soundbite they could use in Court to cover up the retaliation scheme and falsely portray Plaintiff as a deviant and Pacelle and his enablers as a friend of the #MeToo movement. To this day, none of the Defendants have taken any steps whatsoever to correct or mitigate their defamatory "mole" accusations or retaliation campaign.

134. HSUS conducted a purported investigation into CEO Pacelle's treatment of women from December 2017 to January 2018.

135. Morgan Lewis represented HSUS in a lawsuit in which HSUS paid \$16 million to settle racketeering obstruction of justice allegations involving perjury and witness tampering in 2014.²⁴

136. Morgan Lewis was also chosen to investigate the sexual misconduct claims against Wayne Pacelle in 2017.

137. The Morgan Lewis report was leaked to the *Washington Post* and excerpts of it were published therein.

138. The Morgan Lewis report is not privileged.

139. The Morgan Lewis report was shared with dozens of people, including Board members and executives. The Morgan Lewis report was leaked to the *Washington Post*.

140. HSUS conducted a purported "reconciliation" initiative in 2018 in which it investigated complaints against Pacelle and other misconduct.

141. Plaintiff offered in writing to help HSUS in its investigation of Pacelle's misconduct after Pacelle was fired, but never received a reply.

²³ <https://www.humanesociety.org/sites/default/files/docs/HSUS%202018%20990.pdf>.

²⁴ https://www.washingtonpost.com/business/capitalbusiness/tingling-circus-prevails-in-14-year-legal-case-collects-16m-from-humane-society-others/2014/05/16/50xe90b8-dd15-11e3-8009-71de85b9c527_story.html.

142. Plaintiff lived three blocks away from the HSUS D.C. office.
143. After he was terminated, Plaintiff would walk down the sidewalk minding his own business or going about his daily life in his neighborhood.
144. Occasionally Plaintiff would see his former coworkers on the sidewalk.
145. Plaintiff would either be polite or say nothing.
146. Plaintiff received repeated “cease and desist” letters from HSUS attorneys in spring 2018 threatening him for walking down the street in his own neighborhood or speaking to former coworkers.
147. Through his attorney, Plaintiff responded to the first cease and desist letter by asking what he supposedly did that was wrong.
148. HSUS attorney Karla Grossenbacher refused to identify any statement, event or person to whom Plaintiff spoke to that were supposedly cause for concern.
149. HSUS continued to send him baseless, threatening letters for the purposes of intimidating and harassing Plaintiff. Upon information and belief, these threatening letters were sent at the direction of the Office of General Counsel and/or COO Markarian.
150. Defendants’ harassment and intimidation of Plaintiff were so pervasive that Plaintiff feared he was unable to leave his own apartment during business hours.
151. Defendants’ conduct forced Plaintiff to move from his apartment rather than fear walking outside of it and receiving further cease and desist letters or other retaliatory action.
152. Defendants protected CEO Pacelle and retaliated against Plaintiff in order to further their careers and for financial gain.
153. Defendants’ retaliation, defamation, harassment, intimidation and other egregious acts wrought so much damage in Plaintiff’s life that, for the first time in his life, he sought suicide prevention treatment.
154. Defendants refused to tell Plaintiff the truth about the retaliation scheme even after CEO Pacelle was fired for sexually assaulting an employee in his office and even though they knew from the August

2018 Amended Complaint (*Thomas v. Moreland*, D.C.D.C. Civil No. 18-cv-00800-TJK) that their actions were driving Plaintiff to be suicidal.

155. In October 2020, General Counsel Karl and Deputy General Counsel Branzell coached a newly-hired “witness” who was not a witness to give their part of HSUS’ 30(b)(6) deposition in *Thomas v. Moreland*.
156. General Counsel Kate Karl and Deputy General Counsel Becky Branzell did not testify at HSUS’ 30(b)(6) deposition even though Branzell was in charge of the purported investigation into Plaintiff. Instead, they trained newly-hired head of HR Alexa Herndon, who came to the organization in 2020 and had no firsthand familiarity with any of these events, to testify about the investigation.
157. On April 15, 2021, a public filing in *Thomas v. Moreland* from Plaintiff was posted in reply to a Joint Motion by Moreland and Karla Grossenbacher. The filing described the retaliation scheme and gave Defendants represented by Ms. Grossenbacher opportunity to deny the charges or respond with any evidence they wished. None of the Defendants represented by Ms. Grossenbacher disputed, denied or offered any evidence contradicting the retaliation scheme documented in that filing. Ms. Grossenbacher represents all of the Defendants, other than Pacelle, even though Hungerford resigned in 2018 and Markarian resigned in 2018 after the *Post* reported he covered up Pacelle’s sexual misconduct. Ms. Grossenbacher is paid with Humane Society charitable dollars to represent these individuals even though the Humane Society is not a party to this litigation and two of the Defendants she represents have not worked at the Humane Society for years.
158. Upon information and belief, three HSUS Office of General Counsel attorneys, then-CEO Wayne Pacelle, then-COO Mike Markarian, and HSLF President Sara Amundson were aware of Pacelle’s serial sexual misconduct; of Plaintiff’s repeated complaints about Pacelle’s inappropriate relationship with his assistant; had a duty under the employee handbook to investigate Plaintiff’s claims and not retaliate against him; did not investigate Pacelle’s misconduct but used charitable dollars to retaliate against Plaintiff by ordering IT and security employees to secretly investigate and surveil Plaintiff’s private life and personal phone; engaged in a defamatory retaliation scheme against Plaintiff

by representing him as a “mole” or security threat who was bugging the office; fired Plaintiff on the pretense that he was sexually harassing Moreland despite evidence showing that he rejected her advances; promoted Moreland; used charitable dollars to pay her legal bills; then selected litigators to litigate *Thomas v. Moreland pro bono* as a shield to cover up the retaliation scheme for three years.

159. HSUS has an endowment of \$266,315,205, according to its 2019 IRS 990.

160. In 2017, Wayne Pacelle’s compensation was \$425,482; Mike Markarian’s compensation was \$267,495; Kate Karl’s compensation was \$219,700; Becky Branzell’s compensation was \$186,193; and Sara Amundson’s compensation was \$174,882, according to HSUS and HSLF’s 2017 IRS 990s.

161. Plaintiff would not have donated to these organizations if he knew it employed a sex abuser as CEO, fired whistleblowers, and used charitable dollars to pay settlements to cover up sexual abuse and retaliation.

COUNT 1 - RETALIATION

162. Plaintiff hereby incorporates as though restated each of the factual allegations stated in paragraphs 1 to 161.

163. Discrimination against women in employment is prohibited under the D.C. Human Rights Act § 2–1402.11.

164. Plaintiff’s repeated complaints to employees, supervisors, and executives about sexism at the Humane Society and discrimination against women by CEO Pacelle, a known sex abuser, were protected complaints under the D.C. Human Rights Act.

165. Retaliating against employees who complain about discrimination against women is prohibited under the D.C. Human Rights Act §2–1402.6.

166. Aiding or abetting discrimination is prohibited under the D.C. Human Rights Act §2–1402.62.

167. Plaintiff’s protected complaints were not investigated by Defendants.

168. In response to Plaintiff’s protected complaints, Defendants orchestrated a retaliation scheme in which they used charitable dollars to secretly investigate Plaintiff’s private life, search his personal phone for bugs, fire Plaintiff on false pretenses, and cover it up for years.

COUNT 2 – BREACH OF FIDICUIARY DUTY

169. Plaintiff hereby incorporates as though restated each of the factual allegations stated in paragraphs 1 to 168.
170. Defendants Pacelle, Markarian, Karl and Amundson each served on the Boards of HSUS, HSLF, or both, during the relevant time periods.
171. Defendants Karl, Branzell, Marshman, Hungerford and Cary are attorneys.
172. Board members of nonprofit corporations have duties of care, loyalty and fidelity to the charity.
173. Board members of nonprofit corporations have a fiduciary duty to act in the best interest of the nonprofit corporation under IRS Section 501(c).
174. D.C. §29–406.30 on nonprofit governance mandates that “Each member of the board of directors, when discharging the duties of a director, shall act: (1) In good faith; and (2) in a manner the director reasonably believes to be in the best interests of the nonprofit corporation.”
175. Using a public charity’s resources to retaliate against whistleblowers and cover up complaints of the CEO’s sexual misconduct are not in the best interests of the charity. Upon information and belief, HSUS CEO Kitty Block, who replaced Pacelle, does not know the true nature of Defendants’ retaliation scheme.
176. Defendants know or should have known that using a public charity’s resources to retaliate against whistleblowers and cover up complaints of the CEO’s sexual misconduct are not in the best interests of the charity.
177. All defendants know or should have known that their illegal actions subjected HSUS and HSLF to financial liability.
178. D.C. §29–406.30 on nonprofit governance mandates that “In discharging board or committee duties a director shall disclose, or cause to be disclosed, to the other board or committee members information not already known by them but known by the director to be material to the discharge of their decision-making or oversight functions, except that disclosure is not required to the extent that the

director reasonably believes that doing so would violate a duty imposed by law, a legally enforceable obligation of confidentiality, or a professional ethics rule.”

179. Illegal activity is not permissible tax-exempt activity under IRS Section 501(c).
180. Conspiring to violate the D.C. Human Rights Act, retaliate against employees, and cover up sexual misconduct allegations is not permissible tax-exempt activity under IRS Section 501(c).
181. Harboring a sexually abusive CEO created a hostile work environment against Plaintiff and other employees.
182. Defendants deliberately operated a beloved charity to create or enable a culture of deceit, duplicity, retaliation, cover up, discrimination, and/or sexual abuse.
183. Defendants who had a fiduciary duty breached their fiduciary duty to Plaintiff and other donors.

COUNT 3 – BREACH OF CONTRACT

184. Plaintiff hereby incorporates as though restated each of the factual allegations stated in paragraphs 1 to 183.
185. Defendants had a contract with Plaintiff based on the employee handbook.
186. Plaintiff followed the employee handbook in reporting his concerns about CEO Pacelle’s inappropriate relationship with Assistant Moreland and discrimination against women.
187. The employee handbook forbids retaliation against whistleblowers who report their concerns about discrimination against women or other violations of the employee handbook.
188. Defendants conspired to violate the employee handbook and retaliate against Plaintiff.

COUNT 4 – DEFAMATION

189. Plaintiff hereby incorporates as though restated each of the factual allegations stated in paragraphs 1 to 188.
190. Defendants, singly or wholly, conspired to maliciously, intentionally falsely portray Plaintiff as wiretapping or bugging the office.
191. Wiretapping is a felony under D.C. Code §23-254.
192. Falsely accusing an individual of wiretapping is defamation *per se*.

193. Defendants, singly or wholly, conspired to maliciously, intentionally falsely portray Plaintiff as a stalker.
194. Stalking is a crime under D.C. Code §22–3133.
195. Falsely accusing an individual of stalking is defamation *per se*.
196. Defendants, singly or wholly, conspired to maliciously, intentionally falsely portray Plaintiff as a harasser of women in the workplace.
197. Being falsely portrayed as a harasser of women in the workplace is defamation *per se*.
198. Defendants, singly or wholly, conspired to maliciously, intentionally falsely portray Plaintiff as a “mole” or “spy” who was simultaneously working for the charity while secretly working for or on behalf on another organization.
199. Defendants knew Plaintiff was a donor to the HSUS charity and an employee.
200. Defendants knew Plaintiff was not a “mole” who worked long hours in the office to secretly conduct industrial espionage.
201. A reasonable person would find it highly offensive to be maliciously, intentionally falsely labeled as a criminal, felon, stalker, sexual harasser, and “mole” or “spy” conducting industrial espionage.
202. Rather than investigate Plaintiff’s repeated complaints about CEO Pacelle, Defendants maliciously defamed Plaintiff and destroyed Plaintiff’s reputation so they could pretend to fire him as an “at will” employee.

COUNT 5 – INVASION OF PRIVACY

203. Plaintiff hereby incorporates as though restated each of the factual allegations stated in paragraphs 1 to 202.
204. Plaintiff had a reasonable belief that his private trips to the bathroom would not be secretly monitored by some or all of Defendants.
205. Plaintiff had a reasonable belief that he would not be secretly surveilled based on maliciously false allegations that he was a “mole” or security threat.

206. Plaintiff was secretly surveilled based on false allegations that he was a “mole” or security threat in investigations that were ordered by or with the knowledge of some or all Defendants.
207. Defendants, singly or wholly, conspired to keep this surveillance secret from Plaintiff.
208. Plaintiff had a reasonable belief that his private, personal phone would not be subject to a nonconsensual, invasive, secret search for bugs that did not exist and that was ordered by or with the knowledge of some or all of Defendants.
209. Plaintiff’s private, personal phone was subjected to a secret search for bugs ordered by or with the knowledge of some or all of Defendants.
210. Defendants, singly or wholly, conspired to keep this invasive fake bug hunt secret from Plaintiff.
211. Plaintiff had a reasonable belief that his private, personal and family life would not be secretly investigated by Defendants.
212. Plaintiff’s private, personal and family life was secretly investigated by Defendants.
213. Defendants, singly or wholly, conspired to keep their invasive investigations into him secret from Plaintiff.
214. Plaintiff had a reasonable belief that he could freely walk down the street on public sidewalks in his own neighborhood in downtown Washington, D.C. without being monitored or harassed by his former employer.
215. “One who intentionally intrudes, physically or otherwise, upon the solitude or seclusion of another or his private affairs or concerns, is subject to liability to the other for invasion of his privacy, if the intrusion would be highly offensive to a reasonable person.” (Restatement of Torts (2nd) §652B).
216. Defendants’ malicious, retaliatory conduct toward Plaintiff constituted an invasion of privacy that “would be highly offensive to a reasonable person.”

COUNT 6 – HARASSMENT

217. Plaintiff hereby incorporates as though restated each of the factual allegations stated in paragraphs 1 to 216.

218. Reporting concerns about a sex abuser's mistreatment of women is protected activity under the D.C. Human Rights Act.
219. Plaintiff had a reasonable belief that his personal phone, private life, and trips to the bathroom would not be secretly monitored by Defendants as part of a retaliation scheme.
220. Defendants maliciously engaged in a retaliation scheme against Plaintiff to create an intimidating, hostile and/or offensive work environment.
221. Walking down a public sidewalk in downtown Washington, D.C. is legal.
222. After Plaintiff was terminated, he received harassing, threatening and/or intimidating letters from Karla Grossenbacher, an attorney representing HSUS and acting on behalf of some of Defendants, for walking down the street and engaging in innocuous conversations with former employees.
223. Defendants knew or should have known that Plaintiff's apartment was three blocks away from the HSUS office.
224. Plaintiff had a reasonable belief that he could walk down the street free from harassment.
225. Plaintiff's right to engage in conversation on a public street in broad daylight is protected by the First Amendment.
226. Some or all of Defendants conspired to harass Plaintiff, defame him as a security threat or deviant, and threaten or intimidate him with cease and desist letters for activity they knew was not illegal, harassing or threatening.

COUNT 7 – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

227. Plaintiff hereby incorporates as though restated each of the factual allegations stated in paragraphs 1 to 226.
228. Defendants knew or should have known that falsely accusing Plaintiff of wiretapping the office; stalking women; harassing women; being a security threat; being a "mole;"; being a criminal deviant; and lying about his mother's death would inflict severe emotional distress upon him.
229. Defendants knew or should have known that monitoring Plaintiff's activity and walks on the street and harassing him with intimidating letters would inflict emotional distress on him.

230. Defendants knew or should have known that conspiring to use charitable resources to conduct a secret intelligence-gathering operation into Plaintiff's private life without his consent would inflict severe emotional distress on him.
231. Defendants knew or should have known that conspiring to use charitable resources to retaliate against Plaintiff and terminate him on false pretenses in order to cover up CEO Pacelle's abuse of women would inflict severe emotional distress on Plaintiff.
232. Defendants maliciously, intentionally created a hostile work environment for Plaintiff in order to retaliate against him.
233. Defendants, singly or wholly, conspired to harass and intimidate Plaintiff.
234. Defendants intentionally inflicted emotional distress on Plaintiff to retaliate against him and cover up CEO Pacelle's abuse of women.
235. Defendants continued to intentionally inflict emotional distress on Plaintiff despite their knowledge that their actions were driving Plaintiff to seek medical treatment for suicide prevention and even after CEO Pacelle had been terminated in a national scandal for sexually assaulting an employee in his office.
236. Some or all of Defendants intentionally inflicted emotional distress on Plaintiff for the purposes of causing him to fear walking outside his apartment and thus forcing him to move.

COUNT 8 – TORTIOUS INTERFERENCE WITH CONTRACT

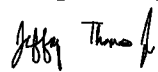
237. Plaintiff hereby incorporates as though restated each of the factual allegations stated in paragraphs 1 to 236.
238. Defendants knew Plaintiff was an employee of HSLF.
239. Defendants knew Plaintiff had an employment contract with HSLF.
240. Defendants knew that Plaintiff had complained about CEO Pacelle's mistreatment of women and/or inappropriate relationship with Assistant Moreland.
241. Defendants did not take any action whatsoever to investigate Plaintiff's repeated complaints about CEO Pacelle.

242. Defendants maliciously, unjustifiably and intentionally sought to terminate Plaintiff's employment with HSLF by, among other actions: defaming Plaintiff; filing false HR complaints against him; conspiring, singly or wholly, to retaliate against Plaintiff; and deceitfully cover up their actions to attempt to avoid legal liability.

For each Count 1-8, as a direct and proximate result of Defendants' conduct, Plaintiff has suffered damages justifying an award of compensatory damages in an amount to be determined at trial. Plaintiff is also entitled to an award of punitive damages, as Defendants have acted willfully and in conscious disregard of Plaintiff's rights.

WHEREFORE, Plaintiff prays that the Court enter judgment against Defendants and requests an award of compensatory damages in the amount of ten million dollars (\$10,000,000.00): one million six hundred sixty-six thousand six hundred and sixty-six dollars and sixty-seven cents (\$1,666,666.67) in compensatory damages and eight million three hundred thirty-three thousand three hundred thirty-three dollars and thirty-three cents (\$8,333,333.33) in punitive damages, plus attorneys' fees, costs, and such other relief as this Court deems fair and appropriate.

Respectfully submitted,



Date: July 1, 2021

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