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VICTORIA RUSSELL,

Plaintiff,

- against -

THE NATIONAL FOOTBALL LEAGUE, NFL
PRODUCTIONS LLC d/b/a NFL FILMS,
ATRIUM STAFFING SERVICES LTD., and
ATRIUM STAFFING OF NEW JERSEY LLC,

Defendants.

SUPERIOR COURT OF NEW
JERSEY
LAW DIVISION
CIVIL PART
BURLINGTON COUNTY

Docket No.:

CIVIL ACTION

COMPLAINT AND
JURY DEMAND

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Plaintiff Victoria Russell (“plaintiff” or “Russell”), by her attorneys, Vladeck, Raskin & Clark, P.C., complains of defendants NFL Productions LLC d/b/a NFL Films (“NFL Films”) and the National Football League (collectively, “the League,” or “the NFL”), and Atrium Staffing Services Ltd. (“Atrium Staffing”) and Atrium Staffing of New Jersey LLC (“Atrium NJ”) (collectively with Atrium Staffing, “Atrium” or “the Agency”) (collectively with the League, “defendants”) as follows:

NATURE OF CLAIMS

1. Russell, a Black woman, is an experienced Human Resources (“HR”) professional who began working for NFL Films, the film and television production arm of the NFL, in February 2018. Over the course of four years, Russell’s performance was excellent. Yet

from the beginning of her time with the NFL in February 2018, the NFL treated Russell as a second-class citizen because of her race and gender.

2. Despite Russell's excellent performance and despite her taking on additional work, the NFL repeatedly denied Russell opportunities for advancement and pay increases. Adding insult to injury, when the NFL finally promoted Russell, they "increased" her pay by \$1.18 per hour. The NFL also refused to provide Russell with a permanent workspace in its offices, a privilege afforded to virtually every white and male employee, including interns, contractors, and part-time employees. The League's effort to humiliate Russell proved successful. Russell's peers often mocked her about not having a permanent workspace and she frequently left the office to cry in her car.

3. As an HR employee, Russell also had a front row seat to the NFL's culture of sexual harassment. For example, Russell discovered that NFL Films had maintained a database tracking timestamps on NFL footage and linking the timestamps to sexualized and offensive descriptions of women captured on that footage, including "cheerleaders buttocks," "cheerleaders rear end," "female fan in bikini top," "naughty camera work," "close up of cheerleader's breasts; cleavage shot," and "shot of endowed woman."

4. Russell repeatedly tried to address her discrimination complaints internally. The NFL, however, did not nothing to fix the problems. Not only did the NFL fail to act, but it punished Russell for daring to stand up against the biased culture. After years of raising protected concerns to her HR managers, believing she had no alternative, on March 9, 2022, Russell complained to the NFL's Chief Diversity Officer Jonathan Beane ("Beane") about the unlawful discrimination she faced at the NFL. Russell provided multiple examples of her white colleagues being afforded opportunities the NFL denied Russell. She also asked that the NFL consider

converting her to a full-time permanent employee, as the NFL had done for many of her white counterparts. During the same meeting, Russell informed Beane that she was pregnant.

5. Almost exactly one month after Russell complained to Beane and told him that she was pregnant, the NFL fired her.

6. Unfortunately, the NFL's discrimination and retaliation against Russell was far from isolated. The League has been under fire for years for problems related to its treatment of women and people of color. Among many examples, the NFL is currently facing a class action lawsuit from former and current Black coaches for race discrimination.¹ The suit alleges that the NFL is "managed much like a plantation."² As the lawsuit states, virtually none of the NFL's owners and coaches are Black, in large part due to the League's discriminatory hiring practices.³ Meanwhile, the NFL and its teams profit off of the labor of the NFL's mostly Black players.⁴ According to the lawsuit, although the NFL has instituted policies to increase racial diversity in its top ranks, these policies amount to little more than window dressing.⁵

7. The NFL fares no better in terms of gender equity. After recent reporting from the New York Times revealed rampant misconduct against women, particularly women of color, in the NFL's corporate offices,⁶ a group of State Attorneys General sent a letter to NFL

¹ Class Action Complaint, Flores v. The National Football League et al., Dkt. 1, 1:22-cv-00871 (S.D.N.Y. Feb. 1 2022).

² Id. ¶ 4.

³ Id. ¶¶ 5-6, 104-29.

⁴ Id. ¶ 7.

⁵ Id. ¶¶ 12-14, 139-51, 160.

⁶ Belson, Ken and Rosman, Katherine, "Promised a New Culture, Women Say the N.F.L. Instead Pushed Them Aside," New York Times, (Feb. 8, 2022), available at: <https://www.nytimes.com/2022/02/08/sports/football/nfl-women-culture.html>.

Commissioner Roger Goodell (“Goodell”) regarding the NFL’s “entirely unacceptable and potentially unlawful conduct.”⁷ The letter raised several notable examples, including that the NFL had forced female employees to watch a video of a former NFL player violently assaulting his wife; that male supervisors have subjected employees to unwanted touching; and that women have been passed over for promotions and faced invidious stereotyping.⁸ Also, in the past year multiple high-ranking NFL officials have faced allegations of sexual assault and other gender-based misconduct,⁹ and the NFL team the Washington Commanders is currently under investigation for its “hostile workplace culture” by the U.S. House of Representatives’ Oversight Committee.¹⁰

8. On Russell’s last day of employment with the NFL, she appealed to the League to take action against this deeply engrained culture of discrimination. After she learned she was fired on April 8, 2022, Russell wrote to Goodell; Beane; Dasha Smith (“Smith”), the NFL’s Chief Administrative Officer; and Jessica Body (“Body”), the VP Business Affairs for NFL Films: “I have been discriminated against, undervalued, and just flat out disrespected . . . I would love for you to look into this and evaluate the people you have sitting at your table. You may be surprised what you may find by taking a closer look.”

⁷ April 6, 2022 Letter from Letitia James, et al. to Roger Goodell, available at, https://ag.ny.gov/sites/default/files/nfl_ltr_04.06.2022_final.pdf.

⁸ Id.

⁹ See Hobson, Will, “Document Reveals Details of 2009 Sexual Assault Allegation Against Daniel Snyder,” The Washington Post, (June 21, 2022), available at, <https://www.washingtonpost.com/sports/2022/06/21/dan-snyder-sexual-assault-allegation/>; Belson, Ken and Rosman, Katherine, “Raiders Coach Resigns After Homophobic and Misogynistic Emails”, New York Times, (Oct. 11, 2021), available at: nytimes.com/2021/10/11/sports/football/what-did-jon-gruden-say.html.

¹⁰ Benjamin, Cody, “U.S. House Committee Requests Roger Goodell, Daniel Snyder Testify at Hearing to Address Washington Culture,” CBS Sports, (June 1, 2022), available at, <https://www.cbssports.com/nfl/news/u-s-house-committee-requests-roger-goodell-daniel-snyder-testify-at-hearing-to-address-washington-culture/>

9. Russell brings this action to remedy sex discrimination, pregnancy discrimination, race discrimination, and retaliation in violation of the New Jersey Law Against Discrimination (“NJLAD”) N.J. Stat. Ann. §10:5-1 et seq.

10. Russell seeks injunctive and declaratory relief, compensatory, and punitive damages, reasonable attorneys’ fees and costs of this action, pre- and post- judgment interest, and all other appropriate equitable and legal relief pursuant to the NJLAD.

PARTIES

11. Russell is a resident of Wilmington, Delaware. From February 2018 until defendants unlawfully fired her in April 2022, plaintiff worked for defendant NFL Films from its offices in New Jersey and from her home in Delaware.

12. The National Football League is an unincorporated association of 32 football teams. It is headquartered in New York City, New York.

13. NFL Films is a wholly owned subsidiary of National Football League that acts as National Football League’s television and film production arm. It is headquartered in Mount Laurel, New Jersey.

14. Atrium Staffing is an employment agency that places temporary employees with prospective employers and manages certain human resources functions on behalf of those employers. Atrium Staffing is headquartered in New York City, New York. Atrium NJ is a wholly-owned subsidiary of Atrium Staffing and operates out of Little Falls, New Jersey.

JURISDICTION AND VENUE

15. The Court has original jurisdiction over plaintiff’s claims under the NJLAD, N.J. Stat. Ann. § 10:5-13.

16. The Court has personal jurisdiction over NFL Films and Atrium NJ because both entities are citizens of New Jersey. The Court has personal jurisdiction over the National Football League because of its contacts with New Jersey through its subsidiary, NFL Films, and because much of the unlawful conduct took place at the NFL Films' offices in New Jersey. The Court has personal jurisdiction over Atrium because of its contacts with New Jersey through its subsidiary, Atrium NJ, and because Atrium NJ employed Russell in New Jersey.

17. Venue is proper because Russell worked for the League and Atrium at NFL Films' headquarters in Burlington County, New Jersey and because much of the unlawful conduct took place at the NFL Films' headquarters.

FACTUAL ALLEGATIONS

Russell's Employment with the NFL

18. Russell is an experienced HR professional. She has her Bachelor's degree in Psychology. She earned her Master of Business Administration in May 2021, while working for the NFL.

Plaintiff Joins the NFL

19. In February 2018, the NFL hired Russell through a staffing agency in the role of HR Assistant. Russell had a contract with the NFL.

20. Russell's initial contract with the NFL was set to expire in Fall 2018. Around that time, in or around October 2018, Russell began working with Atrium, a different staffing agency. Atrium coordinated the renewal of Russell's contract with the NFL. Under her new contract, Russell took on the role of HR Coordinator.

21. Throughout her employment, not only was Russell the only Black woman on her NFL HR team, but she was one of only a handful of Black women in the NFL's entire HR Department, which was comprised of approximately 100 employees.

Atrium, NFL Films, and the National Football League Were Russell's Employers

22. From October 2018 until the end of Russell's employment with the NFL, Atrium managed various aspects of Russell's job, including payroll and benefits. Atrium also coordinated the renewals of Russell's contracts with the NFL. Russell was expected to abide by all Atrium policies throughout her employment. According to Atrium's employee handbook, Russell was subject to Atrium's progressive discipline policy and Atrium had the authority to fire Russell and/or remove her from assignments. Further, Atrium directed employees like Russell to contact Atrium with questions about their employment. For example, when Russell wanted to ask for a pay raise from the NFL, she spoke first with her Atrium representative.

23. NFL Films played a significant role in Russell's employment. For example, until the COVID-19 pandemic, Russell worked primarily from NFL Film's headquarters in New Jersey; NFL Films and its employees supervised Russell's work, and Russell was subject to NFL Film's policies. NFL Films also had the authority, according to Atrium, to determine Russell's pay. NFL Films also set Russell's schedule, made promotion decisions, and determined whether to renew or not renew her contract.

24. The National Football League also acted effectively as Russell's employer. Two of the individuals Russell reported to during her time at NFL Films, Laura Jordan ("Jordan") and Kim McFadden ("McFadden") were, on information and belief, employees of the National Football League, not NFL Films. Russell, as an NFL Films employee, also worked on projects for the National Football League at its office in New York. Moreover, when Russell complained about

the ongoing discrimination and retaliation, she lodged her complaint with Beane, a National Football League employee.

25. The NFL and NFL Films also made the decision to fire her in April 2022.

Plaintiff's Job as HR Assistant

26. Defendants initially hired Russell because of her expertise in processing I-9s, the Federal form used to verify new employee's identities and employment authorization.

27. For the first several months of her employment, Russell helped with an internal HR audit at NFL Films and a separate internal audit of I-9s with the National Football League. During this time, Russell reported to the NFL's HR Vice President ("VP") and HR Business Partner Kim McFadden ("McFadden"), a white woman.

Plaintiff's Job as HR Coordinator

28. As stated above, Russell transferred to the role of HR Coordinator in or around October 2018. In that role, Russell was part of the HR Answers team, a subset of the HR Operations Group.

29. From October 2018 through March 2019, Russell reported directly to the NFL's VP of HR Operations Jordan, a white woman. In late 2018, the NFL hired David Puglia ("Puglia"), a white man, as an HR Director reporting to Jordan. Subsequently, the HR Answers Team, including Russell, began reporting directly to Puglia. Russell reported to Puglia from March 2019 until her employment ended in April 2022.

30. As part of the HR Answers team, Russell was responsible for, among other things, responding to inquiries that employees submitted via "tickets." The work associated with HR Answers was substantial. Initially, she was the only member of the HR Answers team, and, despite her requests, the NFL provided her with minimal assistance to address the workload.

31. Around the time that Russell joined the HR Answers team, the NFL's HR Department was in the process of transitioning from a manual, paper document system to a digital system using an HR Information System ("HRIS") software. As a result of the disruptions this effort caused to the NFL's HR system, employees submitted HR "tickets" much more frequently and Russell managed a heavy workload responding to these inquiries.

32. Even after new employees joined the HR Answers team, Russell spent significant time responding to tickets and training her new colleagues.

33. In addition to responding to tickets, Russell also answered frequent questions and replied to requests for HR assistance that employees directed to her in person.

34. Russell was also responsible for digitizing much of NFL Film's HR documentation as part of the effort to convert from paper and manual systems to electronic systems.

35. Russell was also responsible for establishing and implementing the process for new employees joining NFL Films. When Russell began in the HR Coordinator role, NFL Films did not have formal procedures for adding new employees. Accordingly, Russell created an onboarding program that included sending welcome emails to new employees, collecting employee's new-hire paperwork, conducting orientations, and answering questions from newly hired employees.

Plaintiff's Performance

36. Throughout her employment with the NFL, Russell's performance was excellent. Russell received positive feedback, particularly from Puglia, about her work. For example, Puglia repeatedly praised Russell for taking initiative to train new HR team members. Also, in 2022, Puglia told Russell that he appreciated her hard work in keeping up with HR tickets.

37. Jordan also recognized Russell for her efficiency and performance. In 2019, Jordan initiated a competition between Russell and her two teammates where the employee who responded to the most HR tickets for the month received a prize. The first month, Russell won and received a \$5 Starbucks gift card from Jordan. Russell continued to win the competition each month for the next several months, although she did not receive any further rewards. Eventually, Jordan discontinued the competition; on information and belief, she did so because Russell won virtually every time.

38. The NFL promoted Russell to Senior HR Coordinator in October 2021. At that time, Puglia told Russell that she was “long overdue for this promotion” given her excellent performance, the responsibilities she had taken on, and her assistance with training and managing new team members.

39. As recently as March 22, 2022, two weeks before the NFL fired her, Russell met with Puglia to discuss Russell’s performance. As he had in the past, Puglia provided only positive feedback. In particular, Puglia thanked Russell for her hard work and help training new team members.

40. During her employment with the NFL, Russell never received any warnings about her performance.

The NFL’s Race and Gender Discrimination Against Russell

41. Despite her strong performance, the NFL treated Russell as a second-class citizen throughout her employment because she is Black and a woman.

A. The NFL Refuses to Assign Russell a Permanent Workspace

42. For the majority of her employment with NFL Films, defendants refused to provide Russell with a permanent work space. Instead, Russell was forced to find temporary space,

sometimes without assistance, and then required to relocate when the space was designated for other uses.

43. When Russell began her employment with the NFL, defendants instructed her to work temporarily out of the vacant office of former President of NFL Films Steve Sabol (who had passed away). After approximately two months, Russell was forced to move due to construction. Russell subsequently used McFadden's former office for approximately one or two months.

44. In or around Spring 2018, McFadden instructed Russell to vacate McFadden's former office that Russell was using temporarily. Russell asked McFadden, then her supervisor, for assistance in finding a new workspace. McFadden refused to help Russell and told her instead to "just figure it out."

45. For the several months that followed, Russell was forced virtually every day (often multiple times per day) to find a new workspace, including booking conference rooms for herself and working out of empty offices or cubicles where possible. Even when Russell managed to find a conference room or office space to work in, she was often kicked out of those spaces in the middle of the day without notice. On more than one occasion, Russell left the desk she was using to use the restroom and returned to find her possessions removed from the desk.

46. Eventually, Russell asked NFL Executive VP Ross Ketover ("Ketover") whether she could use a work space on the third floor of NFL Films's offices. Ketover, who was aware that Russell did not have a permanent workspace, agreed that Russell could work out of that office. After working in that space for a couple of weeks, however, Russell arrived one day to find that a white male employee was working in the office and her belongings had been removed without any notice.

47. Russell subsequently identified another unused space at the end of a dark hallway on NFL Film's third floor. The space was small and had almost no light. However, Russell had no choice but to use it.

48. It was apparent that the space Russell had identified was not suitable for her work. Employees who sought out Russell with HR-related questions could not find her in that office, and Russell was forced to print out signs directing employees to locate her at the end of the dark hallway.

49. In or around 2019, a VP of Information Technology ("IT"), Aaron Amendolia ("Amendolia"), noticed that Russell was working in the space and remarked, in sum and substance, that he thought it was "embarrassing," that "no one should be sitting there," and that the arrangement was "unacceptable." Amendolia subsequently arranged for Russell to sit at a cubicle in the IT department. That cubicle was located in an area of the IT department that the NFL designated a "visitors" department that employees visiting from the NFL's New York or Los Angeles office would typically use.

50. After not having a permanent office space for over a year, Amendolia's arrangement was a great improvement. However, the NFL refused to recognize Russell's new workspace. When she asked for a name plate for the cubicle door, the NFL's facilities manager denied her request.

51. Russell's white and male counterparts, including full time and part time employees, seasonal employees, temporary employees, and interns, were provided with permanent workspaces and name plates.

52. The NFL's message was loud and clear. The experience of not being assigned an office was humiliating to Russell. Her coworkers mocked and belittled Russell because

she did not have a permanent desk. Russell often left her office to cry in her car as a result of this degrading experience.

B. The NFL Denies Russell Opportunities Afforded to Her White Colleagues

53. In addition, since she began reporting to Jordan in October 2018, defendants repeatedly overlooked Russell, denied her raises and promotions, and otherwise deprived her of professional opportunities afforded to her white and male peers.

54. For example, when Russell began her role as HR Coordinator, she was provided with virtually no training. Although Russell was assigned to visit the NFL's New York offices to receive training from another HR employee two days a week for the first several weeks of her employment, the employee assigned to train Russell was often unavailable and unresponsive. In addition, the HR employee assigned to train Russell worked on the Benefits team (not the Operations team) and was unable to answer most of Russell's questions. When Russell tried to ask Jordan, her supervisor, questions, Jordan often ignored her. On information and belief, Russell's white colleagues were not deprived of training in this manner.

55. Jordan also denied Russell multiple opportunities for advancement.

56. For example, in 2019, when Russell reported to Puglia, Russell asked for permission to work on the NFL's rotational program for the upcoming 2020 Super Bowl. The rotational program provided an opportunity for NFL employees to learn more about other departments within the NFL and the opportunity to network with additional NFL employees; Russell was interested in exposure to other departments and colleagues because doing so increased her chances of internal transfers and promotions, including potentially promotion into a full-time position. Participation in the rotational program would have also allowed Russell to attend the Super Bowl. As required, Puglia, McFadden (who had HR responsibilities for the rotational

program), and the program's hiring manager approved Russell's request. Jordan denied it. Jordan told Russell that she denied her request because Russell was a temporary employee and that only permanent employees were eligible to participate in the rotational program.

57. On information and belief, Jordan's explanation was pretextual. Although under the NFL's policies temporary employees were not eligible to participate in rotational programs, the NFL often made exceptions for white temporary employees. Indeed, multiple white temporary employees worked in the rotational program for the 2020 Super Bowl.

58. In 2021, Russell once again sought to participate in the rotational program for the 2022 Super Bowl. Jordan again denied Russell's request on the purported grounds that Russell was ineligible to participate as a temporary employee. That same year, Jordan approved Trevor Hayes, a white male temporary employee, to participate in the rotational program.

59. In August 2020, the NFL also appointed Emma Bradford ("Bradford") and Madison Bove ("Bove"), both white HR temporary employees, to the newly created role of "Infection Control Officer" ("ICO"). This appointment allowed Bradford and Bove to work at the Super Bowl as well as various other football games.

60. Similarly, the NFL appointed Kristen Kaufman ("Kaufman"), another white HR temporary employee, to the ICO position in 2020 or 2021. The NFL did not notify Russell of the ICO position when the League created the role in 2020, nor did it afford her the opportunity to apply. In 2021, Russell inquired about becoming an ICO for the upcoming 2022 Super Bowl. The NFL rejected her request.

61. Also, in late 2019 or early 2020, defendants asked Bradford to take the lead on a project related to NFL Films's I-9 processing. This was a project Russell initially proposed to NFL Films's Chief Financial Officer Barry Wolper and to McFadden in 2018. The NFL did not

consider Russell to lead the process even though she had initiated this project and was an expert in I-9s.

62. In addition, Russell is aware of at least five HR temporary employees, all of whom are white, who the NFL transitioned into full-time permanent roles. Although Puglia and Jordan have both, at various times, suggested that Russell could be made a permanent employee, the NFL never presented Russell with an opportunity to transition to a permanent position.

63. The NFL also promoted Russell's white colleagues at a faster rate than Russell. For example, in or around January 2019, the NFL hired Linley Siep, a white woman, as HR Coordinator on the HR Answers Team. Within a month of Siep's hiring, the NFL promoted Siep, who Russell had trained, to the role of Senior HR Coordinator even though Siep had almost no experience in the HR Coordinator role. Meanwhile, Russell remained in the HR Coordinator position for approximately three years before the NFL finally promoted her.

64. Despite her excellent work, defendants also denied Russell a raise in 2019, 2020, and most of 2021. Jordan told Russell each time that she would not receive a raise because of budget constraints. However, Russell was aware of multiple white temporary employees who received raises in those years.

65. In or around October 2021, Russell finally received a raise when the NFL promoted her to Senior HR Coordinator. However, the raise was only \$1.18 per hour. On information and belief, white and male workers who had received comparable promotions received larger raises.

C. The NFL Subjects Russell to Discriminatory Comments

66. In addition, throughout her employment at the NFL, Russell's colleagues, including supervisory-level employees, repeatedly made remarks to Russell that undermined her

intelligence and abilities. On information and belief, those employees would not have made those comments if Russell were white or a man.

67. As described above, Russell regularly handled employee's I-9 paperwork, which included processing sensitive identification documents like passports and social security cards. On more than one occasion, an employee whose documents Russell handled asked her why they should trust her with their sensitive information.

68. Russell's colleagues also asked Russell whether she had gone to school to make her qualified for such a position.

69. Russell is not aware of her coworkers similarly interrogating her white HR counterparts.

Russell Complains about Discrimination and Informs Defendants that she is Pregnant

70. Russell complained repeatedly to Jordan and Puglia about the NFL's differential treatment, including about the failure to find Russell a permanent place to work, her status as a temporary employee, and the lack of opportunities provided to her.

71. During these conversations, Russell often compared her experience to those of her white peers and questioned Jordan and Puglia about why the NFL had treated her differently. In particular, Russell complained that the NFL had given preferential treatment to Bradford, Kaufman, Bove, and Siep, all of whom are white.

72. At one point, Jordan conceded that the NFL had been inequitable in denying Russell opportunities afforded to her white counterparts, telling Russell, in sum and substance, "you're right, it's not fair. I don't know what else to tell you."

73. Jordan and Puglia took no action in response to Russell's complaints.

74. Russell also complained to Atrium about her pay in December 2020. An Atrium representative told Russell that the NFL, not Atrium, made the decision about Russell's salary. However, the representative told Russell that she would request a salary increase from Puglia on Russell's behalf. As stated above, the NFL ultimately did not increase Russell's salary until the NFL promoted her in October 2021.

75. On March 9, 2022, after years of defendants failing to act in response to her complaints, Russell met with Beane, the NFL's Chief Diversity Officer. Russell described to Beane the years of race and gender discrimination she had faced. Among other things, Russell told Beane that she had been denied a permanent workspace for over a year. Russell also told Beane about the multiple career opportunities and raises that the NFL had denied her and provided specific examples where the NFL treated Russell worse than her white and male colleagues. Russell asked during that meeting that the NFL consider converting Russell to a full time, permanent position.

76. During the same meeting, on March 9, 2022, Russell informed Beane that she was pregnant with her first child. She explained to Beane that, as she was starting a family, she hoped to continue her career with the NFL in a more stable and long-term manner. In or around the first week of March 2022, Russell also informed her supervisor Puglia that she was pregnant. Around the same time, Russell told Jordan about her pregnancy as well.

77. Russell met with Beane again on March 31, 2022. During that meeting, Beane informed Russell that he spoke with McFadden, who denied Russell's claims about her workspace and told Beane that she "thought [Russell] had always had a seat."

78. Also, during the March 31, 2022 meeting, Beane rejected Russell's request that the NFL convert her status to a full-time permanent position. Beane's only justification was that Russell's position was "not ever meant to be a full-time position."

79. On information and belief, Beane's explanation was false. As stated above, Russell's supervisors had repeatedly assured Russell that her role may be converted to a full-time, permanent role, and the NFL had changed the status from temporary to permanent of many of her white counterparts in HR.

80. Beane did not otherwise address Russell's complaints about discrimination during their March 31, 2022 follow up meeting.

The NFL Fires Russell

81. Defendants swiftly retaliated against Russell. On April 8, 2022, almost exactly one month after Russell raised protected complaints of discrimination and informed the NFL that she was pregnant, defendants fired her.

82. Jordan and Puglia informed Russell of the decision. They told Russell, in sum and substance, that the NFL had "evaluated [her] role and decided it [was] no longer needed."

83. Russell was blindsided. Russell had worked for the NFL for over four years and never received notice that her project would be coming to an end. Accordingly, she asked Jordan and Puglia for an explanation.

84. Jordan and Puglia immediately shifted their justification. Although they had initially told her that the NFL "no longer needed" her position, in response to Russell's inquiry they attacked her performance. Jordan and Puglia told Russell that they had concerns about how often she came into the office, that her performance had declined, and that she was not engaged with the team.

85. On information and belief, the justifications Jordan and Puglia provided to Russell were pretextual.

86. First, approximately six months earlier, the NFL had promoted and awarded Russell a raise due to her excellent performance.

87. Second, the assertion that the NFL “no longer needed” Russell’s position was false. Around the same time the NFL fired Russell, Puglia hired a new member for their team due to the high workload. The NFL had also hired two employees onto Russell’s HR team in the year prior. During their March 22, 2022 meeting – two weeks before the NFL fired her – Puglia told Russell that he would need her assistance to train the new team member. During that same meeting, Puglia thanked Russell for her ongoing efforts to train other team members and continuing her normal workload.

88. Third, the criticisms about Russell’s presence in the office between October 2021 and April 2022 are baseless. In late 2021, the NFL’s policy due to the pandemic was that employees could work from the office two days per week; in 2022 the NFL increased the number of in-office days required to four days per week. In reality, however, the policy was not enforced and employees, including Russell and her supervisor Puglia, often worked from home. Indeed, on information and belief, in or around 2019, one of Russell’s coworkers told Russell that the coworker had complained to Jordan about Puglia’s lack of presence in the office. Further, on multiple occasions, Russell traveled to the National Football League’s New York office to work with Puglia and Puglia was not present in the office even though, on each of those occasions, Puglia had previously confirmed to Russell that he would be there.

89. In or around October 2021, Russell, who has asthma, requested as an accommodation for her asthma that she be permitted to work from home. She also provided the

NFL a doctor's note to that effect. Thereafter, she worked remotely where possible, including for a period of several weeks after she had contracted and was recovering from COVID. She frequently communicated with Puglia during this time period about her whereabouts and he encouraged her to work from home as necessary. Prior to April 8, 2022, no one had ever criticized Russell about her working from home.

90. Fourth, before the NFL fired her, Russell received no criticism or warnings about her productivity or engagement with the team.

91. To the contrary, when Russell and Puglia discussed Russell's performance on March 22, 2022, Puglia provided only positive feedback. In particular, Puglia thanked Russell for her hard work and help training new team members. Puglia also asked Russell to help train a new employee who would be joining in the next several weeks.

92. Further, around the time the NFL fired Russell, she was engaged with her team. She met via Zoom with newer team members for approximately an hour virtually every workday to provide training and support, and was in regular communication with and assisted her teammates throughout each day. Russell's colleagues often praised Russell for how helpful she was in providing them with training and assistance.

Other Discriminatory Conduct

93. Unfortunately, the NFL's unlawful treatment of Russell is far from isolated. The NFL's transparent culture of discrimination contributed to a hostile environment.

94. For example, the demographics in the NFL's HR Department spoke to a skewed and discriminatory hiring practice that favored white and male employees. As stated above, Russell was one of very few Black women in the entire Department.

95. Also, during the 2018 audit into the HR system that Russell was working on, she discovered a chatroom log tracking timestamps on NFL footage and linking the timestamps to sexualized and offensive descriptions of women captured on that footage. The database was apparently created using a “secret button” that had been accessible on NFL computers to log such footage. The commentary associated with the timestamps included approximately 14 pages of sexually degrading remarks about women, such as:

- a) “cheerleaders buttocks,”
- b) “cheerleaders rear end,”
- c) “female fan in bikini top,”
- d) “naughty camera work,”
- e) “close up of cheerleader’s breasts; cleavage shot,”
- f) “shot of endowed woman,”
- g) “shot of a female butt,” and
- h) “Random woman, cleavage shot.”

96. Unsurprisingly, Russell found the document offensive. On information and belief, NFL management is aware of the document.

97. Also, in or around October 2021, McFadden downplayed the actions of an NFL coach, Jon Gruden (“Gruden”) who was forced to resign in Fall 2021 after thousands of his emails containing racist, misogynistic, and homophobic language were made public.¹¹ On a call for the entire department (of which Russell was a part), McFadden stated, in sum and substance, that she “is good friends with Gruden” and minimized his comments by saying “some people may find what he said is offensive.” McFadden quickly corrected herself that Gruden’s conduct “totally

¹¹ Belson, Ken and Rosman, Katherine, *supra*, n. 9.

is offensive” but reiterated her support for him. McFadden said in sum and substance, Gruden was “just being a guy and said something stupid that he really didn't mean. I know him personally and he is not a racist.”

98. Russell also witnessed NFL Films stereotyping employees based on their names. In or around March 2021, Jordan asked Russell and her team to review a list of employee’s names and guess their ethnicity to enter the apparent ethnicities into an HR database meant to track NFL’s Diversity, Equity, and Inclusion (“DEI”) efforts. When Russell questioned Jordan’s instruction, Jordan acknowledged that guessing the ethnicities of employees may be unethical, but said that the NFL’s Legal department had approved the process and insisted that Russell’s team proceed with the project. On information and belief, the NFL took no further steps to determine the ethnicities of its employees and, as a result, the NFL’s DEI statistics were inaccurate.

99. Moreover, during Russell’s employment, NFL Films had an offensive photograph of a white man dressed up as a Native American (with braids and a feather on his hat) hanging up in the hallway in NFL Films’ offices.

100. The NFL’s treatment of Russell is also consistent with defendants’ widely-publicized and longstanding practice of discrimination, particularly against women and Black employees.

101. In February 2022, the New York Times published an extensive article detailing a rampant culture of sex discrimination and sexual harassment at the NFL based on interviews with more than 30 women who were former and current employees of the NFL.¹² According to the New York Times, 37% of NFL employees are women and only 30% are people of color. Among other incidents:

¹² Belson, Ken and Rosman, Katherine, supra n. 6.

- a) one female employee reported that a male colleague had played an infamous video of former NFL running back Ray Rice (“Rice”) violently assaulting his wife during a meeting and suggested that Rice’s wife deserved to be assaulted. The NFL subsequently promoted the male employee;
- b) female employees reported being asked to publicly identify whether they had experienced domestic violence;
- c) women, particularly Black women, stated that they had been “packaged out” – offered an exit package to leave – after they raised discrimination complaints;
- d) a woman who was a parent recalled that the NFL passed her over for a promotion because of her parenting responsibilities and that one executive told her she was not chosen because the NFL “wanted to do what was best for [her] family”;
- e) after a video surfaced of Kareem Hunt, an NFL running back, pushing a woman to the ground and kicking her, the NFL declined to address it. McFadden told a woman who objected to the NFL’s lack of response that he was “just a guy being stupid” and “not as bad as [] Rice”; and
- f) the NFL hosted a 2019 panel about women’s empowerment at which a speaker expressed sympathy for men accused of sexual assault and harassment and stated that she believed men were being “unfairly tarnished” in the “Me Too” movement.

102. The New York Times' article drew the attention of six State Attorneys General, who submitted a letter on April 6, 2022 threatening to investigate the NFL and expressing "grave concerns" at the NFL's culture, which the letter described as "overtly hostile to women."¹³

103. In addition, the NFL has recently garnered negative attention as a result of its handling of sexual misconduct allegations against the owner of the NFL team the Washington Commanders, Daniel Snyder ("Snyder"). Although the NFL investigated Snyder, who has been accused of sexual harassment and assault, the League's Commissioner Goodell refused to make the results of the inquiry public.

104. As a result of Goodell's handling of the investigation, the Congressional House Oversight Committee ("the Committee") launched its own inquiry into the matter in Fall 2021.¹⁴ On December 8, 2022, the Committee released a scathing final report detailing its findings.

The report found that:

The Committee's investigation shows that sexual harassment, bullying, and other toxic conduct pervaded the Commanders workplace, perpetuated by a culture of fear instilled by the Team's owner. Despite the NFL's knowledge, through its internal investigation, that the Team's owner permitted and participated in the workplace misconduct, and engaged in tactics used to intimidate, surveil, and pay off victims, the NFL aligned its legal interests with the Commanders, failed to curtail these abusive tactics, and buried the investigation's findings.¹⁵

¹³ April 6, 2022 Letter from Letitia James, supra n. 7.

¹⁴ Hobson, Will, supra n. 9.

¹⁵ House Committee on Oversight and Reform, Oversight Committee Releases Final Report on Investigation into the NFL's Handling of Washington Commanders' Hostile Workplace Culture (December 8, 2022), <https://oversight.house.gov/news/press-releases/oversight-committee-releases-final-report-on-investigation-into-the-nfl-s>

105. Also, the NFL is currently facing a class action lawsuit filed on behalf of Black coaches that alleges rampant discrimination at the highest levels of the NFL. The lawsuit alleges that the NFL is “managed like a plantation,” in that while a vast majority of the League’s players are Black, most of the owners and coaches who profit from their labor are white.¹⁶ The lawsuit also alleges that although the NFL had adopted internal policies to increase diversity, such as a rule requiring the League to interview one Black candidate for each open coaching position, those policies serve little purpose other than to broadcast falsely the NFL’s commitment to diversity.¹⁷ Among other things, Brian Flores, the lead plaintiff in the lawsuit, alleges that although the New York Giants interviewed him for the position of Head Coach, the interview did not take place until after the Giants had already selected another white Coach for the position and informed third parties about their decision.¹⁸

106. Ultimately, when the NFL fired her, Russell made a much-needed plea to address the League’s deeply engrained culture of discrimination. After she learned she was fired on April 8, 2022, Russell sent an email to Goodell, the Commissioner; Beane, the Chief Diversity Officer; Smith, the NFL’s Chief Administrative Officer; and Body, NFL Films’ VP of Business Affairs who had been tasked with overseeing diversity efforts on behalf of NFL Films. Russell wrote: “I have been discriminated against, undervalued, and just flat out disrespected . . . I would love for you to look into this and evaluate the people you have sitting at your table. You may be surprised what you may find by taking a closer look.”

¹⁶ Class Action Complaint, Flores v. The National Football League et al., *supra* n. 16 ¶¶ 4-7, 104-29.

¹⁷ *Id.* ¶¶ 12-14, 139-51, 160.

¹⁸ *Id.* ¶¶ 139-51.

107. That day, Body called Russell and interrogated Russell about the email, repeatedly asking Russell why she had copied Body. Russell responded that it was her understanding that, because NFL Films had assigned Body with overseeing its diversity efforts, Russell assumed that Body would want to be made aware of a discrimination complaint from an NFL Films employee.

108. No one else who Russell had copied on the email responded to Russell's concerns. On information and belief, the NFL has not taken any action in response to Russell's April 8, 2022 discrimination complaint.

FIRST CAUSE OF ACTION

NJLAD: Discrimination on the basis of Race, Sex, and Pregnancy

109. Plaintiff repeats and realleges paragraphs 1 through 108 as if fully set forth herein.

110. By the acts and practices described, defendants discriminated against plaintiff in the terms, conditions and privileges of her employment on the basis of her race, sex, and pregnancy.

111. As a result of defendants' discriminatory acts, plaintiff has suffered, is suffering, and will continue to suffer irreparable injury, monetary damages, mental anguish, emotional distress, humiliation and other compensable damage unless and until this Court grants relief.

112. Defendants acted with willful indifference to plaintiff's statutorily protected rights.

SECOND CAUSE OF ACTION

NJLAD: Retaliation

113. Plaintiff repeats and realleges paragraphs 1 through 112 as if fully set forth herein.

114. By the acts and practices described, defendants retaliated against plaintiff in the terms, conditions, and privileges of her employment for her opposition to unlawful practices in violation of the NJLAD.

115. As a result of defendants' retaliatory acts, plaintiff has suffered, is suffering, and will continue to suffer irreparable injury, monetary damages, mental anguish, emotional distress, humiliation and other compensable damage unless and until this Court grants relief.

116. Defendants acted with willful indifference to plaintiff's statutorily protected rights.

PRAYER FOR RELIEF

WHEREFORE, plaintiff respectfully requests that this Court enter a Judgment:

(a) declaring that defendants' conduct complained of herein violates plaintiff's rights under the NJLAD;

(b) enjoining and permanently restraining defendants from violating the NJLAD;

(c) directing defendants to take such affirmative steps as are necessary to ensure that the effects of these unlawful practices are eliminated and do not continue to affect plaintiff's employment opportunities;

(d) directing defendants to reinstate plaintiff to the position that she would have occupied had she not been subject to discrimination and retaliation;

(e) directing defendants to make plaintiff whole for all earnings and other benefits she would have received but for defendants' discriminatory and retaliatory treatment, including, but not limited to, wages and other lost benefits;

(f) directing defendants to pay plaintiff compensatory damages for her mental anguish and humiliation and damage to reputation;

(g) directing defendants to pay plaintiff punitive damages for their intentional disregard of and/or reckless indifference to plaintiff's statutory rights;

(h) directing defendants to pay plaintiff's attorneys' fees, costs and disbursements;

(i) directing defendants to compensate plaintiff for any adverse tax consequences;

(j) directing defendants to pay prejudgment interest; and

(k) granting such other and further relief as this Court deems necessary and proper.

