

JUDGE SULLIVAN

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

11 CIV 1279

MONIQUE DA SILVA MOORE, on)
behalf of herself and all others similarly)
situated,)

PLAINTIFF,)

v.)

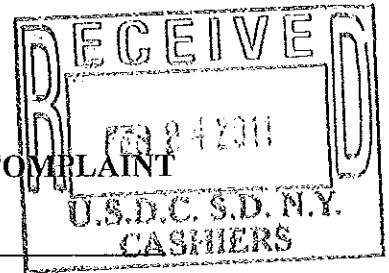
PUBLICIS GROUPE and)
MSLGROUP,)

DEFENDANTS.)

CLASS ACTION COMPLAINT

Civ No. _____

JURY TRIAL DEMANDED



Plaintiff Monique da Silva Moore ("Plaintiff" or "Class Representative"), by her attorneys Sanford Wittels & Heisler, LLP, brings this action in her individual capacity and on behalf of a class of women defined below against Defendants Publicis Groupe and MSLGroup, (together "Publicis Groupe," "Publicis," "MSL," the "Company" or "Defendants"). Plaintiff Ms. da Silva Moore alleges upon knowledge as to herself and her own acts, and otherwise upon information and belief, as follows:

INTRODUCTION

1. Publicis Groupe is one of the world's "big four" advertising conglomerates. With a public relations ("PR") practice spanning 104 countries on five continents, Publicis sets the standards in a majority-female industry where women remain a rarity at the highest levels of management.

2. Like nearly every agency in the PR industry, Publicis Groupe employs a predominantly female workforce. Of the 45,000 PR professionals employed by the world's third largest advertising and media conglomerate, women account for approximately 70 percent of the staff and men account for only 30 percent.

3. “Viva La Difference!” celebrates the slogan in Publicis’s diversity program. But for women employed at Publicis, there may be a “La Difference” but it gives them nothing to “Viva” about. A gender hierarchy haunts Publicis; and the company’s diversity program announces it explicitly: “every employee – both male and female – has his or her place...” This sentence captures the essence of how Publicis treats its women. All employees have their place: males come before females. A Publicis woman’s place is in the back of the line, far removed from senior management positions, almost all of which are reserved for the men.

4. While Publicis funnels women into entry level rank-and-file positions at a disproportionate rate, these female PR employees rarely break through the glass ceiling at any agency in the conglomerate. Men dominate the senior management ranks throughout Publicis worldwide.

5. From Publicis Groupe’s Management Board to MSLGroup Americas -- its PR network in the United States, Publicis reserves positions of power and influence for men. Only men serve on Publicis Groupe’s 5-member Management Board, known as the “*Directoire*,” and only two women are members of Publicis’s 13-member Executive Board, the “*P12*.”

6. Publicis’s glass ceiling might as well be a cement wall. Gender discrimination permeates Publicis’s entire PR practice. Only two women are part of the MSLGroup leadership team worldwide and only one female sits on the senior management team of MSLGroup Americas in the United States.

7. Across Publicis’s PR practice, upon information and belief, women hold approximately 15 percent of leadership positions compared to 70 percent of staff

positions.

8. Publicis's lack of women in leadership positions and key decision-making roles reflects its systemic, company-wide gender discrimination against female PR employees like Plaintiff da Silva Moore, former Global Healthcare Director for MSLGroup. Such gender discrimination includes: (a) paying Plaintiff and other female PR employees less than similarly-situated male employees; (b) failing to promote or advance Plaintiff and other female PR employees at the same rate as similarly-situated male employees; and (c) carrying out discriminatory terminations, demotions, and/or job reassignments of female PR employees when the Company reorganized its PR practice beginning in 2008, including wrongfully terminating Plaintiff immediately following her return from maternity leave after thirteen years of exemplary employment with the Company.

**OVERVIEW OF THE CLASS-WIDE
GENDER DISCRIMINATION AT PUBLICIS**

Publicis Groupe's All Male Management Board

9. When identifying the "number of women in senior management positions" in its 2009 Corporate Social Responsibility Report, Publicis actually refers to its "Management Board" which is "composed of 5 men." Without acknowledging a problem with its underrepresentation of women in management, Publicis admits that its "agencies have already had discrimination claims brought against them (especially in the USA)."¹

¹ Publicis Groupe 2009 Social Responsibility Report at 6, 15
<http://www.publicisgroupe.com/media/display/id/2924.pdf>.

10. At the top of the Publicis hierarchy is the "Management Board."² Its all-male members include Maurice Levy, Chief Executive Officer ("CEO") of Publicis Groupe; Kevin Roberts, CEO of Saatchi & Saatchi Worldwide; Jack Klues, CEO of Vivaki; Jean-Yves Naouri, Chief Operating Officer ("COO") of Publicis Groupe; and Jean-Michel Etienne, Executive Vice President ("EVP") and Chief Financial Officer ("CFO") of Publicis Groupe.

11. These five men also sit on Publicis's "P12" Board Executive Committee, made up of 13 members, including only two women (15%).³ The "P12" represent the leaders of the conglomerate. Women have never had a real presence on the "P12" despite the predominately female staff working under it.

12. One of the male members of "P12," CEO Levy, appointed another male "P12" member, Olivier Fleurot, to run Publicis's PR practice worldwide. Under the brand "MSLGroup," CEO Fleurot heads a consolidated network of PR agencies under the Publicis umbrella.

MSLGroup's Male Management Team

13. Like its male-led parent, the MSLGroup is run by men. MSLGroup CEO Fleurot created one centralized leadership team of nearly all male members immediately after taking the helm of the newly formed PR network in July 2009.

14. CEO Fleurot's MSLGroup PR leadership team is divided into three levels: the Officers, the Presidents and the Directors. At the top is the Officer level, which includes two males: Pascal Beucler, Chief Strategy Officer and Peter Miller, CFO, and initially no females. Under CEO Fleurot's leadership, four males were appointed to the

² <http://www.publicisgroupe.com/#/en/group/governance/management-board>.

³ Publicis Groupe 2009 Social Responsibility Report at 6, <http://www.publicisgroupe.com/media/display/id/2924.pdf>.

middle President level: Fabrice Fries, President of France; Anders Kempe, President of Europe; Glenn Osaki, President of Asia; and Jim Tsokanos, President of the Americas. The President level excluded women.

15. The only level of CEO Fleurot's PR leadership team with any female representation was initially the bottom level, Director – a level which, unsurprisingly, has no males. At that level, two females, Sophie Martin-Chantepie, HR Director; and Trudi Harris, Communication Director; were able to "join" the team. Since "joining," it is unclear whether Ms. Martin-Chantepie and Ms. Harris still hold Director titles.⁴ Regardless, these women hold support roles (e.g., HR and communications) without decision-making authority on the team.

MSLGroup Americas' Male Management Team

16. In the United States, Publicis Groupe and MSLGroup mainly operate through MSL Group Americas, which is also run by men. One of the members of CEO Fleurot's management team, Jim Tsokanos, is the President of MSL Americas.

17. Like CEO Fleurot, President Tsokanos created a nearly all-male regional organizational team to lead approximately 1,000 PR employees working across the United States. To head the South region, President Tsokanos selected Rob Baskin. In 2008, he also hired Joe Carberry to head of the West region, Joel Curran to head of the Midwest region, and Neil Dhillon to head of Mid-Atlantic region. Renee Wilson, the only woman on the U.S. team, oversees the Northeast region while working under the supervision of President Tsokanos at New York headquarters.

⁴ On its webpage, MSLGroup labels Sophie Martin-Chantepie and Trudi Harris as "Officers" on its leadership team; however, when describing both women's positions in their bios on the same webpage, the Company states that they are Directors. No male on the leadership team has a similar discrepancy in their position description on the webpage. <http://www.mslgroup.com/support/about-us.aspx>

18. Across the board from Publicis Groupe to MSL Americas, men dominate the senior-management ranks where decisions about compensation, promotions and other employment opportunities are made. Without a voice at the table, women have fared poorly in those decisions. If women do advance beyond non-management positions, they progress slower than men and hit a glass ceiling at the Director level or their careers are derailed after having children like Plaintiff da Silva Moore.

19. Plaintiff da Silva Moore has suffered discrimination firsthand. Although Plaintiff proved herself and slowly rose in the ranks of the male-dominated leadership at Publicis, it took her six years to finally reach the Director level. At that level, she hit the glass ceiling culture that suffuses the conglomerate. For the next six years from 2004 until 2010, Publicis re-labeled her "Director" title as "Managing Director," "North American Director" and "Global Director." However, the new labels never corresponded with any real advancement. After six years of denied advancement, Publicis terminated Plaintiff da Silva Moore's employment as part of the reorganization of its PR practice immediately upon her return from maternity leave in January 2010.

20. To remedy Publicis Groupe's systemic, company-wide discrimination against its female PR employees in the United States, Plaintiff da Silva Moore seeks certification of a class of female employees who work or worked in a PR position in the United States at anytime from 2008 to the date of judgment in this case.

21. Plaintiff seeks, on behalf of herself and the Class, declaratory and injunctive relief; back pay; front pay; compensatory, nominal and punitive damages; and attorneys' fees, costs and expenses to redress Defendants' pervasive and discriminatory employment policies, practices and/or procedures which include, in part, discriminatory

pay to, and denial of promotional opportunities for female PR employees.

JURISDICTION AND VENUE

22. This Court has subject matter jurisdiction over this suit pursuant to 28 U.S.C. § 1332(a)(1), Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000(e)-5(f), *et seq.*, as amended (“Title VII”), and 29 U.S.C. § 2601, *et seq.*, the Family and Medical Leave Act of 1993 (“FMLA”) and supplemental jurisdiction pursuant to 28 U.S.C. § 1367, to redress and enjoin employment practices of Defendants in violation of these federal statutes and Plaintiff’s pendent state claims.

23. The matter in controversy exceeds the sum or value of \$75,000, exclusive of interests and costs, and is between citizens of different states.

24. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) and 42 U.S.C. 2000e-5(g) because Defendants Publicis Groupe and MSLGroup do business in New York, New York, and because the unlawful employment practices were committed in this District.

25. Plaintiff has standing to bring this suit as she has duly filed her administrative charge before the U.S. Equal Employment Opportunity Commission (“EEOC”) and has received her right to sue letter from the EEOC.

THE PARTIES

26. At all times relevant to this action, **PLAINTIFF MONIQUE DA SILVA MOORE** has been a resident of New York, Maine or Massachusetts. Ms. da Silva Moore worked for MSLGroup from approximately 1991 through 1993, and from September 1999 through January 7, 2010.

27. **DEFENDANT PUBLICIS GROUPE**, based in Paris, France, is a top

four global communications group and employs approximately 45,000 professionals, including nearly 1,000 employees in the United States. In 2009, it brought in revenues of over 6.1 billion dollars.

28. **DEFENDANT MSLGROUP** is a member of Defendant Publicis Groupe. It is a one of the world's top 5 public relations and events networks. MSLGroup does business in the United States through MSLGroup Americas, which is headquartered in New York, NY and employs approximately 1,000 employees in 12 offices located in New York, NY; Boston, MA; Washington, D.C.; Arlington, VA; Atlanta, GA; Chicago, IL (2 offices); Ann Arbor, MI; San Francisco, CA; Los Angeles, CA; and Seattle, WA (2 offices), and organized into five regions: Northeast; Mid-Atlantic, South; Midwest; and West.

FACTUAL ALLEGATIONS

29. Publicis employed Plaintiff Monique da Silva Moore from approximately 1991 to 1993 and from September 1999 until Defendants wrongfully terminated Ms. da Silva Moore in January 2010.

30. Plaintiff spent the last six years of her career at the Director level at the Company. While she worked as Vice President of MSL's New York Healthcare Group from September 1999 through May 2004, she became the Healthcare Director of the Boston office in 2004 and she remained a Director until her termination in 2010. In October 2004, Ms. da Silva Moore took the position of Managing Director of the Boston office, and then in January 2007 she became MSL's North American Healthcare Director. From January 2008 through her wrongful termination in January 2010, Plaintiff served as MSL's Global Healthcare Director, based out of Boston, Massachusetts.

31. Despite her slow advancement, Ms. da Silva Moore received strong performance evaluations and feedback from her supervisors, colleagues, and clients throughout her thirteen-year tenure with the Company.

32. Plaintiff was consistently recognized as “best in class” in the PR industry. Indeed over the course of her career, she has received more than 22 industry awards, including a 2009 Silver Anvil from the Public Relations Society of America. Plaintiff’s stellar performance at MSL is reflected in her increased responsibilities from Managing Director of the MSL Boston office in 2004, North American Health Care Director in 2007, and Global Health Care Director in January 2008.

33. In addition, Plaintiff grew existing client business and brought in a number of new accounts to MSL every year she worked for the Company.

34. Under Plaintiff’s leadership, the Boston office earned a profit in 2004 for the first time in years. A year later, in 2005, the Boston office was one of two offices across the whole global network with the highest annual revenue growth. The office’s pitch to win the Virgin Life Care account was highlighted at the July 2005 MSL leadership meeting in Chicago for its creativity.

35. MSL repeatedly turned to Ms. da Silva Moore to help shore up troubled accounts and floundering offices. For example, in 2007, MSL sent Ms. da Silva Moore to London to help rebuild its health care team and successfully put the healthcare practice on a more profitable path. Also in 2007, MSL transferred the floundering BD account to Boston from the Washington, D.C. office, and Ms. da Silva Moore stabilized the account. In 2009, when MSL was attempting to retain the Philips account, CEO Mark Hass had a

serious discussion with Ms. da Silva Moore about relocating to Amsterdam to manage the account if Philips agreed to stay with MSL.

36. Ms. da Silva Moore continued her strong performance in her role as Global Health Care Director, the last position she held before MSL terminated her.

Pay Discrimination

37. Plaintiff da Silva Moore's stellar performance was never recognized in her compensation. Upon information and belief, throughout Plaintiff's career and in every position she held at MSL, the Company paid Ms. da Silva Moore less than similarly situated males.

38. Upon information and belief, from May to October 2004 when Plaintiff was Healthcare Director of the Boston Office, MSL paid Plaintiff less than similarly situated males: Mike Manning, Healthcare Director of the Atlanta Office; and Kelly Denker, Healthcare Director of the New York Office.

39. Upon information and belief, from October 2004 to December 2006 when Plaintiff was Managing Director of the Boston Office, MSL paid Plaintiff less than similarly situated males: Jim Tsokanos, Managing Director of the Atlanta office; Don Hannaford, Managing Director of the Washington, D.C. Office; and Bill Orr, Managing Director of the San Francisco Office.

40. Upon information and belief, from January 2007 to January 2010 when Plaintiff was North American Healthcare Director and Global Healthcare Director, MSL paid Plaintiff less than similarly situated males: Peter Harris, North American Director of Corporate Operations; and Keith Hughes, North American Director of Consumer Operations.

41. From January 2007 until MSL wrongfully terminated her in January 2010, Ms. da Silva Moore never received a raise in salary. Upon information and belief, similarly situated males, Peter Harris and Keith Hughes, received raises in their salaries during this time period.

42. Furthermore, when Ms. da Silva Moore moved from North American Healthcare Director to Global Healthcare Director, MSL did not raise her salary or compensation. Rather, the Company considered Plaintiff to continue to be at the same level as the other North American Directors, and the promotion was in name only.

43. Upon information and belief, Defendants pay female PR employees like Plaintiff Ms. da Silva Moore less than similarly situated male employees across the PR practice in the United States.

Promotion Discrimination

44. While Defendants steadily increased Ms. da Silva Moore's responsibilities and she advanced from Vice President in 1999 to Global Healthcare Director in 2008, her career progression was much slower than her male peers at MSL. She stagnated at the Director level for six years while MSL promoted her male counterparts to Presidents and Officers. Eventually, MSL demoted and abruptly terminated her in January 2010.

45. For example, Ms. da Silva Moore and Jim Tsokanos held comparable positions when they served as Managing Directors of the Boston and Atlanta Offices, respectively, in 2004.

46. By 2005, Mr. Tsokanos was promoted to Executive Vice President and Managing Director of the Company's largest office in New York. Ms. da Silva Moore was not promoted.

47. In 2008, MSL promoted Mr. Tsokanos to President of North America. Ms. da Silva Moore took a new position at the Director level, MSL's Global Healthcare Director, with no increase in pay.

48. Most recently, when Publicis Groupe formally combined MS&L Worldwide and its other agencies to form MSLGroup in November 2009, Defendants again had drastically different plans for Ms. da Silva Moore and Mr. Tsokanos.

49. Mr. Tsokanos was promoted to the global leadership team of MSLGroup in November 2009. Two months later, Ms. da Silva Moore's employment abruptly ended when Defendants wrongfully terminated her immediately after her return from maternity leave.

50. In addition to Mr. Tsokanos, MSL promoted several men during the reorganization. For example, MSL promoted Peter Harris as North American Director of Corporate Practice in January 2009. MSL promoted Scott Beaudoin to North American Director of Cause Marketing and Corporate Responsibility in February 2010. MSL promoted Steve Bryant to Managing Director of the Seattle Office in June 2010.

51. In addition to internal promotions, MSL's reorganization led to many appointments of men to senior leadership positions from outside the Company. For example, MSL hired Michael Sullivan as North American Director of Consumer Practice in July 2010. MSL hired Joel Curran to head its Midwest region in May 2008. MSL hired Neil Dhillon to head the mid-Atlantic region in September 2008. MSL hired Joe Carberry to head its Western region in April 2009.

52. Through the reorganization, MSL also promoted and hired men with children. However, few, if any, women were promoted or hired through the reorganization who had any children at all.

53. By promoting a disproportionate amount of men to senior management positions in the reorganization, Defendants denied numerous promotions to qualified female PR employees in the PR practice across the United States.

Discriminatory Terminations, Demotions, and Reassignments

54. While the Company's reorganization led to significant promotions for male employees like Mr. Tsokanos, a disproportionate number of women, including Ms. da Silva Moore, suffered discriminatory terminations, demotions, and job reassignments.

55. As part of the reorganization, MSL planned to demote Wendy Lund, the only female PR Executive in the United States who held the position of Executive Vice President of Global Client and Business Development, by eliminating her position and her entire team, and offering her a position reporting to Jim Tsokanos, her former peer on the Global Leadership Team. In turn, MSL forced Ms. Lund to leave the Company.

56. Additionally, although female employees once led four out of MSL's ten U.S. offices, this number of female leaders has been reduced to one within the last eighteen months. One of the former female U.S. office leaders left, while two peers were demoted to roles that required them to report to their newly hired male peers.

57. MSL demoted the former female leaders of MSL's Chicago and Los Angeles offices. In 2008, Nancy Brennan, the then Managing Director of the Chicago office, was demoted to Senior Vice President of Corporate Branding. She now reports to her male replacement, Joel Curran. Vicki Fite, the Managing Director of the Los Angeles

office, still holds her title but reports to the Western Region President, Joe Carberry, who reported to Mr. Tsokanos until Mr. Carberry left the Company. Ms. Fite had previously reported directly to Mr. Tsokanos.

58. Like Plaintiff as well as Ms. Lund, Ms. Brennan and Ms. Fite, Defendants targeted female PR employees with discriminatory terminations, demotions and reassignments during its reorganization of the PR practice across the United States.

Pregnancy Discrimination

59. While Defendants' glass ceiling has led to an underrepresentation of women in leadership positions, working mothers at the Company face similar systemic barriers to equal employment opportunities.

60. For example, beginning on September 5, 2009, Plaintiff took maternity leave to care for her newborn child. She returned from maternity leave on January 4, 2010.

61. Despite her superior performance and service to the Company, Defendants terminated Plaintiff immediately upon her return from maternity leave in January 2010.

62. Prior to beginning her leave, it became apparent to Ms. da Silva Moore that MSL would soon undergo a reorganization under the new CEO. At that time, Plaintiff's supervisor, Executive Vice President of Global Client and Business Development Wendy Lund, advised Plaintiff that the Global Healthcare Director position would be eliminated but that a new position would be available to Plaintiff upon her return from maternity leave. Ms. Lund informed Plaintiff that Plaintiff would be asked to run the oncology business of Sanofi Aventis, working primarily from Boston, with some time also spent in Publicis Groupe's PR office in New York. Following this initial

conversation, Ms. Lund again mentioned to Plaintiff that Ms. da Silva Moore would take the oncology position upon her return from maternity leave.

63. Later on December 23, 2009, Mr. Tsokanos called Plaintiff to tell her that she would have to run the MSLGroup brand Publicis Consultants out of the New York City office or terminate her employment with the Company. Mr. Tsokanos also confirmed that he would meet with Plaintiff and Senior Vice President of Human Resources Tara Lilien on January 7, 2010 to discuss the employment decision. Ms. Lilien refused Plaintiff's requests for additional information prior to the January 7 meeting.

64. Defendants placed Plaintiff on paid administrative leave for three days as she awaited her meeting with Mr. Tsokanos and Ms. Lilien after returning from maternity leave on January 4, 2010. At the January 7 meeting in New York City, Mr. Tsokanos repeated his ultimatum to Plaintiff and required her to respond by the following day.

65. As Plaintiff was at the time a mother of a newborn and two other children aged 10 and 12, she asked Mr. Tsokanos if there was any flexibility in the transition period in which she would have to move to New York City. Mr. Tsokanos stated that he required Plaintiff to move immediately, as the business required immediate "in-office" attention, and that the Company would not reimburse Plaintiff's moving expenses. MSL thus forced Ms. da Silva Moore to accept termination of her employment with the Company.

66. Although Mr. Tsokanos denied Plaintiff's request for time to relocate to New York City, MSL has granted similar requests from Plaintiff's similarly situated male peers and female peers without children. For example, Mr. Tsokanos granted David

Chamberlain several months to relocate from Dallas to New York on or around early 2009. Around the same time, Mr. Tsokanos requested that Plaintiff's female peer who ran the Consumer Practice Department and did not have any children, Krista Webster, relocate from Toronto to New York. Mr. Tsokanos extended the time to several months for Ms. Webster to make her move. When Karlenne Trimble, the new Chief Growth Officer, was asked to move to New York, she declined and now divides her time equally between two offices. Ms. Trimble has no children.

67. Like Plaintiff, female employees who took maternity leave face similar systemic barriers to equal employment opportunities at the Company. For example, when Defendants terminated Ms. da Silva Moore shortly after her return from maternity leave, Defendants had also forced two other women out of the Company under similar circumstances. Defendants terminated Vice Presidents Heather Wadia the day she returned from maternity leave and Lorie Hirson three weeks after she returned from maternity leave.

CLASS ACTION ALLEGATIONS

68. Class Representative Monique da Silva Moore and the class of female PR employees she seeks to represent have been subjected to a systemic pattern and practice of gender discrimination and a battery of discriminatory practices which have had a continuing, unlawful, disparate impact on them and their employment opportunities. Such gender discrimination includes (a) paying female PR employees less than their male counterparts; (b) denying female PR employees promotion and advancement opportunities resulting in their remaining in lower classification and compensation levels; and (c) conducting terminations and/or demotions when the Company reorganized

beginning in 2008 that disproportionately impacted female PR employees across the United States.

69. Defendants, in effect, bar female PR employees from better and higher-paying positions which have traditionally been held by male employees. The systemic means of accomplishing such gender-based stratification include, but are not limited to, Defendants' development, promotion, advancement, training, and performance evaluation policies, practices and procedures.

70. Defendants' development, promotion, advancement, training, and performance evaluation policies, practices and procedures incorporate the following gender-based discriminatory practices: (a) relying upon subjective judgments, procedures, and criteria which permit and encourage the incorporation of gender stereotypes and biases by Defendants' predominately male executive, managerial and supervisory staff in making promotion, training, performance evaluation, and compensation decisions; (b) refusing or failing to provide equal training opportunities to females; and (c) refusing or failing to establish and/or follow policies, practices, procedures, or criteria that reduce or eliminate disparate impact and/or intentional biases or stereotypes.

71. Defendants' promotion policies, practices, and procedures have had a disparate impact on the Class Representative and the members of the class. Such procedures are not valid, job-related, or justified by business necessity.

72. Defendants' development, compensation, promotion, training, performance evaluation, termination and transfer policies, practices and procedures have a disparate impact on the Class Representative and the class she seeks to represent. Such

practices form a part of the Defendants' overall pattern and practice of keeping women in the lower classifications which have less desirable terms and conditions of employment.

73. Because of Defendants' systemic pattern and practice of gender discrimination, the Class Representative and class she seeks to represent have been adversely affected and have experienced harm, including the loss of compensation, wages, back pay, and employment benefits.

74. Defendants have failed to impose adequate discipline on managers and employees who violate equal employment opportunity laws and has failed to create adequate incentives for its managerial and supervisory personnel to comply with such laws regarding the employment policies, practices, and procedures described above.

75. The Class Representative and the class have no plain, adequate, or complete remedy at law to redress the wrongs alleged herein, and this suit is their only means of securing adequate relief. The Class Representative and the class are now suffering, and will continue to suffer, irreparable injury from Defendants' on-going, unlawful policies, practices, and procedures as set forth herein unless those policies, practices, and procedures are enjoined by this Court.

A. General Facts Relevant to Class Claims and Class Definition

76. Class Representative Monique da Silva Moore seeks to maintain claims on her own behalf and on behalf of a class of current and former female PR employees who worked at any time in Defendants' PR practice in the United States during the applicable liability period.

77. The class consists of all female public relations employees, who are, have been, or will be employed by Defendants in the United States at any time during the

applicable liability period, including until the judgment in this case. Upon information and belief, there are hundreds of such employees in the proposed class.

78. The Class Representative seeks to represent all of the female PR employees described above. The systemic gender discrimination described in this Complaint has been, and is, continuing in nature.

B. Efficiency of Class Prosecution of Common Claims

79. Certification of a class of female PR employees is the most efficient and economical means of resolving the questions of law and fact which are common to the claims of the Class Representative and the proposed class. The individual claims of the Class Representative require resolution of the common question of whether MSL has engaged in a systemic pattern and/or practice of gender discrimination against female public relations employees. Class Representative da Silva Moore seeks remedies to eliminate the adverse effects of such discrimination in her own life, career and working conditions and in the lives, careers and working conditions of the proposed class members, and to prevent continued gender discrimination in the future. Plaintiff da Silva Moore has standing to seek such relief because of the adverse effect that such discrimination has had on her individually and on female public relations employees generally. In order to gain such relief for herself, as well as for the class members, Class Representative da Silva Moore will first establish the existence of systemic gender discrimination as the premise for the relief she seeks. Without class certification, the same evidence and issues would be subject to re-litigation in a multitude of individual lawsuits with an attendant risk of inconsistent adjudications and conflicting obligations. Certification of the proposed class of females is the most efficient and judicious means of

presenting the evidence and arguments necessary to resolve such questions for the Class Representative, the proposed class, and Defendants.

C. Numerosity and Impracticability of Joinder

80. The class which the Class Representative seeks to represent is too numerous to make joinder practicable. Upon information and belief, the proposed class consists of hundreds of current and former female public relations employees during the liability period. MSL's pattern and/or practice of gender discrimination also makes joinder impracticable by discouraging females from applying for or pursuing promotional, training, or transfer opportunities, thereby making it impractical and inefficient to identify many members of the class prior to determination of the merits of MSL's class-wide liability.

D. Common Questions of Law and Fact

81. The prosecution of the claims of Class Representative da Silva Moore will require the adjudication of numerous questions of law and fact common to both her individual claims and those of the putative class she seeks to represent. The common questions of law include, *inter alia*: whether Defendants have engaged in unlawful, systemic gender discrimination in its compensation, selection, promotion, advancement, transfer, training and discipline policies, practices, and procedures, and in the general terms and conditions of work and employment; whether Defendants are liable for a continuing systemic violation of Title VII, and/or other statutes; and a determination of the proper standards for proving a pattern or practice of discrimination by Defendants against its female public relations employees. The common questions of fact include, *inter alia*: whether Defendants has, through its policies, practices, and procedures: (a)

compensated female public relations employees less than similarly situated males through the use of salary, bonuses, and/or other perks; (b) precluded or delayed the selection and promotion of female public relations employees into higher level jobs, traditionally held by male employees; and (c) carried out terminations, demotions and/or reassignments when the Company reorganized beginning in 2008 that disproportionately impacted female PR employees.

82. The employment policies, practices, and procedures to which the Class Representative and the class members are subjected are set at Defendants' corporate level and apply universally to all class members. These employment policies, practices and procedures are not unique or limited to any department; rather, they apply to all departments and, thus, affect the Class Representative and class members in the same ways no matter the facility, department, or position in which they work.

83. Throughout the liability period, a disproportionately large percentage of the executives, senior executives and officers at Defendants have been male.

84. Discrimination in selection, promotion and advancement occurs as a pattern and practice throughout all departments in the PR practice of Defendants. Selection, promotion, and advancement opportunities are driven by personal familiarity, subjective decision-making, pre-selection and interaction between male executives and subordinates rather than by merit or equality of opportunity. As a result, male employees have advanced and continue to advance more rapidly to better and higher-paying jobs than do female employees. Defendants' policies, practices, and procedures have had an adverse impact on female public relations employees seeking selection for, or advancement to, better and higher-paying positions. In general, the higher the level of

the job classification, the lower the percentage of female public relations employees holding it.

E. Typicality of Claims and Relief Sought

85. The claims of Class Representative da Silva Moore are typical of the claims of the class. The relief sought by the Class Representative for gender discrimination complained of herein is also typical of the relief which is sought on behalf of the class.

86. Like the members of the class, Class Representative da Silva Moore is a female PR employee who has worked at Publicis during the liability period.

87. Discrimination in selection, promotion, advancement, and training affects the compensation of the Class Representative and all the PR employee class members in the same or similar ways.

88. Defendants have failed to create adequate incentives for its executives and managers to comply with its own policies and equal employment opportunity laws regarding each of the employment policies, practices, and procedures referenced in this Complaint, and has failed to discipline adequately its executives, managers and other employees when they violate the Company policy or discrimination laws. These failures have affected the Class Representative and the class members in the same or similar ways.

89. The relief necessary to remedy the claims of the Class Representative is exactly the same as that necessary to remedy the claims of the class members in this case. Class Representative seeks the following relief for her individual claims and for those of the members of the proposed class: (a) a declaratory judgment that Defendants have

engaged in systemic gender discrimination against female PR employees by (1) paying female PR employees less than their male counterparts, (2) denying female PR employees promotions into better and higher-paying positions, (3) advancing female PR employees at a slower rate than their male counterparts, (4) terminating, demoting, and reassigning a disproportionate number of females during its reorganization of its PR practice beginning in 2008; (b) a permanent injunction against such continuing discriminatory conduct; (c) injunctive relief which effects a restructuring of Defendants' promotion, transfer, assignment, demotion, training, performance evaluation, compensation, and discipline policies, practices, and procedures – so that female PR employees will be able to compete fairly in the future for promotions, transfers, and assignments to better and higher-paying positions with terms and conditions of employment traditionally enjoyed by male employees; (d) back pay, front pay, and other equitable remedies necessary to make the female PR employees whole from the Defendants' past discrimination; (f) punitive and nominal damages to prevent and deter Defendants from engaging in similar discriminatory practices in the future; (g) compensatory damages; (h) pre- and post-judgment interest; and (i) attorneys' fees, costs and expenses.

F. Adequacy of Representation

90. The Class Representative's interests are co-extensive with those of the members of the proposed class which she seeks to represent in this case. Class Representative da Silva Moore seeks to remedy Defendants' discriminatory employment policies, practices, and procedures so that female PR employees will no longer be prevented from advancing into higher paying and more desirable higher level positions.

Plaintiff da Silva Moore is willing and able to represent the proposed class fairly and vigorously as she pursues her individual claims in this action.

91. Class Representative da Silva Moore has retained counsel who are qualified, experienced, and able to conduct this litigation and to meet the time and fiscal demands required to litigate an employment discrimination class action of this size and complexity. The combined interests, experience, and resources of Plaintiff da Silva Moore's counsel to litigate competently the individual and class claims at issue in this case clearly satisfy the adequacy of representation requirement of Federal Rule of Civil Procedure 23(a)(4).

G. Requirements Of Rule 23(b)(2)

92. Defendants have acted on grounds generally applicable to the Class Representative and the class by adopting and following systemic policies, practices, and procedures which are discriminatory. Gender discrimination is Defendants' standard operating procedure rather than a sporadic occurrence. Defendants have refused to act on grounds generally applicable to the class by, *inter alia*: (a) failing to pay female PR employees on par with similarly-situated male employees; (b) refusing to adopt and apply selection, promotion, training, performance evaluation, compensation, and discipline policies, practices, and procedures which do not have a disparate impact on, or otherwise systemically discriminate against, female PR employees; and (c) refusing to provide equal terms and conditions of employment for female PR employees. Defendants' systemic discrimination and refusal to act on grounds that are not discriminatory have made appropriate the requested final injunctive and declaratory relief with respect to the class as a whole.

H. Requirements of Rule 23(b)(3)

93. The common issues of fact and law affecting the claims of Class Representative da Silva Moore and proposed class members, including, but not limited to, the common issues previously identified herein, predominate over any issues affecting only individual claims. These issues include whether Defendants have engaged in gender discrimination against female employees by denying them equal pay, promotion, and advancement opportunities, and by wrongfully terminating them and whether Defendants have tolerated a culture of gender discrimination directed against such employees.

94. A class action is superior to other available means for the fair and efficient adjudication of the claims of the Class Representative and members of the proposed class.

95. The cost of proving Defendants' pattern and practice of discrimination makes it impracticable for the Class Representative and members of the proposed class to prosecute their claims individually.

COUNT I

(INDIVIDUAL AND CLASS CLAIMS)

**VIOLATION OF TITLE VII OF THE CIVIL RIGHTS ACT OF 1964
("TITLE VI") - GENDER DISCRIMINATION
42 U.S.C. § 2000e, *et seq.*
(Against All Defendants)**

96. Class Representative da Silva Moore re-alleges and incorporates by reference each and every allegation in each and every aforementioned paragraph as if fully set forth herein.

97. This Count is brought on behalf of the Class Representative and all members of the class.

98. Defendants have discriminated against the Class Representative and all members of the class in violation of Title VII of the Civil Rights Act, 42 U.S.C. § 2000e, *et seq.*, as amended by the Civil Rights Act of 1991 ("Title VII"), by subjecting them to different treatment on the basis of their gender. Plaintiff has suffered both disparate impact and disparate treatment as a result of Defendants' wrongful conduct.

99. Defendants have discriminated against the Class Representative and all members of the class by treating them differently from and less preferably than similarly-situated male employees and by subjecting them to discriminatory pay, discriminatory denial of promotions, disparate terms and conditions of employment, discriminatory job assignment, discriminatory terminations and demotions and other forms of discrimination, in violation of Title VII.

100. Defendants' conduct has been intentional, deliberate, willful, malicious, reckless and conducted in callous disregard of the rights of the Class Representative and all members of the class, entitling the Class Representative and all members of the class

to punitive damages.

101. By reason of the continuous nature of Defendants' discriminatory conduct, which persisted throughout the employment of the Class Representative and the members of the class, the Class Representative and the members of the class are entitled to application of the continuing violations doctrine to all violations alleged herein.

102. As a result of Defendants' conduct alleged in this complaint, the Class Representative and the members of the class have suffered and continue to suffer harm, including but not limited to lost earnings, lost benefits, lost future employment opportunities, and other financial loss.

103. Defendants' policies, practices and/or procedures have produced a disparate impact on the Class Representative and the members of the class with respect to the terms and conditions of their employment.

104. By reason of Defendants' discrimination, the Class Representative and the members of the class are entitled to all legal and equitable remedies available for violations of Title VII, including an award of punitive damages.

Attorneys' fees should be awarded under 42 U.S.C. § 2000e-5(k).

COUNT II

(INDIVIDUAL AND CLASS CLAIMS)

VIOLATION OF NEW YORK EXECUTIVE LAW § 296, subd. 1(a) – GENDER DISCRIMINATION (Against All Defendants)

105. Class Representative da Silva Moore re-alleges and incorporates by reference each and every allegation in each and every aforementioned paragraph as if fully set forth herein.

106. This Count is brought on behalf of the Class Representative and all members of the class.

107. Defendants have discriminated against Class Representative and all members of the class in violation of Section 296, subdivision 1(a) of the New York Executive Law, by subjecting them to different treatment on the basis of their gender.

108. Defendants have discriminated against Class Representative and all members of the class by treating them differently from and less preferably than similarly-situated male employees and by subjecting them to discriminatory pay, discriminatory denial of promotions, discriminatory performance evaluations, disparate terms and conditions of employment, and other forms of discrimination, in violation of New York Executive law.

109. As a result of Defendants' conduct alleged in this complaint, Class Representative and all members of the class have suffered and continue to suffer harm, including but not limited to lost earnings, lost benefits, lost future employment opportunities, and other financial loss.

By reason of Defendants' discrimination, Class Representative and all members of the class are entitled to all legal and equitable remedies available for violations of the New York Executive Law.

COUNT III

(INDIVIDUAL AND CLASS CLAIMS)

**VIOLATION OF NEW YORK CITY ADMINISTRATIVE CODE § 8-107,
subd. 1(a) – GENDER DISCRIMINATION
(Against All Defendants)**

110. Class Representative da Silva Moore re-alleges and incorporates by reference each and every allegation in each and every aforementioned paragraph as if fully set forth herein.

111. This Count is brought on behalf of the Class Representative and all members of the class.

112. Defendants have discriminated against the Class Representative and all members of the class in violation of Section 8-107, subdivision 1(a) of the New York City Administrative Code, by subjecting them to different treatment on the basis of their gender.

113. Defendants have discriminated against the Class Representative and all members of the class by treating them differently from and less preferably than similarly-situated male employees and by subjecting them to discriminatory pay, discriminatory denial of promotions, discriminatory performance evaluations, disparate terms and conditions of employment, and other forms of discrimination, in violation of New York City Administrative Code.

114. As a result of Defendants' conduct alleged in this complaint, the Class Representative and all members of the class have suffered and continue to suffer harm, including but not limited to lost earnings, lost benefits, lost future employment opportunities, and other financial loss.

115. By reason of Defendants' discrimination, the Class Representative and all members of the class are entitled to all legal and equitable remedies available for violations of the New York City Administrative Code, including an award of punitive damages.

COUNT IV
(INDIVIDUAL CLAIM)

VIOLATION OF THE FAMILY AND MEDICAL LEAVE ACT OF 1993
("FMLA")
29 U.S.C. § 2601, *et seq.*
(Against All Defendants)

116. Plaintiff da Silva Moore re-alleges and incorporates by reference each and every allegation in each and every aforementioned paragraph as if fully set forth herein.

117. This Count is brought on behalf of Plaintiff da Silva Moore.

118. Under the FMLA, an employee must be restored by the employer to the same position held by the employee when the leave commenced, or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. From September 5, 2009 to January 4, 2010, Ms. da Silva Moore took approved FMLA leave for maternity leave to care for newborn child.

119. Upon her return from such leave, Defendants failed to restore Ms. da Silva Moore to the position she held in September 2009, when the leave commenced.

120. Defendants demoted Ms. da Silva Moore by eliminating her position, gave her less desirable terms and conditions of employment, and terminated her upon her return from FMLA leave.

121. Defendants acted willfully, intentionally and with reckless disregard to Ms. da Silva Moore's FMLA rights.

122. As a direct and proximate result of the Defendants' actions, Ms. da Silva Moore suffered injury and monetary damages, including but not limited to, past and future loss of income, benefits, promotion, and promotional opportunities, expenses and costs, and is therefore entitled to all legal and equitable remedies available.

COUNT V
(INDIVIDUAL CLAIM)

VIOLATION OF THE FAMILY AND MEDICAL LEAVE ACT OF 1993
("FMLA") - RETALIATION
29 U.S.C. § 2601, *et seq.*
(Against All Defendants)

123. Class Representative da Silva Moore re-alleges and incorporates by reference each and every allegation in each and every aforementioned paragraph as if fully set forth herein.

124. This Count is brought on behalf of Plaintiff da Silva Moore.

125. Under the FMLA, it is unlawful for any employer to discharge or in any other manner discriminate against any individual for opposing any practice made unlawful under the Act.

126. Moreover, employers may not use the taking of FMLA leave as a negative factor in employment decisions, such as hiring, promotions or disciplinary actions.

127. In September 2009, Ms. da Silva Moore took approved FMLA leave to care for her newborn daughter.

128. In so doing, Ms. da Silva Moore exercised her rights protected under FMLA.

129. Upon her return from protected FMLA leave, Defendants unlawfully terminated Ms. da Silva Moore because she had taken FMLA and because she insisted upon exercising her rights under the FMLA.

130. In retaliating against Ms. da Silva Moore, by ultimately terminating her because she had taken FMLA leave and because she had insisted upon exercising her rights under the FMLA, Defendants acted willfully, intentionally and with reckless disregard of Ms. da Silva Moore's FMLA-protected rights.

131. As a direct and proximate result of Defendants' actions, Ms. da Silva Moore suffered injury and monetary damages, including but not limited to past and future loss of income, benefits, promotion and promotional opportunities, expenses and costs, and is therefore entitled to all legal and equitable remedies available.

COUNT VI
(INDIVIDUAL CLAIM)

VIOLATION OF MASSACHUSETTS GENERAL LAWS CHAPTER 151B
GENDER DISCRIMINATION
(Against All Defendants)

132. Class Representative da Silva Moore re-alleges and incorporates by reference each and every allegation in each and every aforementioned paragraph as if fully set forth herein.

133. This Count is brought on behalf of the Class Representative.

134. Defendants have discriminated against Plaintiff in violation of Chapter 151B of the Massachusetts General Laws, by subjecting her to different treatment on the basis of her gender.

135. Defendants have discriminated against Class Representative by treating her differently from and less preferably than similarly-situated male employees and by

subjecting her to discriminatory pay, discriminatory denial of promotions, discriminatory performance evaluations, disparate terms and conditions of employment, and other forms of discrimination, in violation of Massachusetts law.

136. As a result of Defendants' conduct alleged in this complaint, Class Representative has suffered and continues to suffer harm, including but not limited to lost earnings, lost benefits, lost future employment opportunities, and other financial loss.

137. By reason of Defendants' discrimination, Class Representative is entitled to all legal and equitable remedies available for violations of the Massachusetts General Laws.

PRAYER FOR RELIEF ON CLASS CLAIMS

WHEREFORE, Class Representative, on her own behalf and on behalf of the class, prays that this Court:

A. Certify the case as a class action maintainable under Federal Rules of Civil Procedure Rule 23(a), (b)(2) and/or (b)(3), on behalf of the proposed Plaintiff class, and designate Ms. da Silva Moore as the representative of this class and her counsel of record as class counsel;

B. Declare and adjudge that Defendants' employment policies, practices and/or procedures challenged herein are illegal and in violation of the rights of: (i) Class Representative and members of the class under Title VII of the Civil Rights Act of 1964, as amended, the New York Executive Law, the New York City Administrative Code, and (ii) the Class Representative under Chapter 151B of the Massachusetts General Laws and the Family and Medical Leave Act of 1993;

C. Issue a permanent injunction against the Defendants and their partners, officers, trustees, owners, employees, agents, attorneys, successors, assigns, representatives and any and all persons acting in concert with them from engaging in any conduct violating the rights of the Class Representative, class members and those similarly situated as secured by 42 U.S.C. §§ 2000e *et seq.*, and order such injunctive relief as will prevent Defendants from continuing their discriminatory practices and protect others similarly situated;

D. Issue a permanent injunction against Defendants and their partners, officers, trustees, owners, employees, agents, attorneys, successors, assigns, representatives and any and all persons acting in concert with them from engaging in any further unlawful practices, policies, customs, usages, gender discrimination or retaliation by the Defendants as set forth herein;

E. Order Defendants to initiate and implement programs that will: (i) provide equal employment opportunities for female PR employees; (ii) remedy the effects of the Defendants' past and present unlawful employment policies, practices and/or procedures; and (iii) eliminate the continuing effects of the discriminatory and retaliatory practices described above;

F. Order Defendants to initiate and implement systems of assigning, training, transferring, compensating and promoting female PR employees in a non-discriminatory manner;

G. Order Defendants to establish a task force on equality and fairness to determine the effectiveness of the programs described in E through F above, which would provide for: (i) monitoring, reporting, and retaining of jurisdiction to ensure equal

employment opportunity; (ii) the assurance that injunctive relief is properly implemented; and (iii) a quarterly report setting forth information relevant to the determination of the effectiveness of the programs described in E through F above;

H. Order Defendants to adjust the wage rates and benefits for the Class Representative and the class members to the level that they would be enjoying but for the Defendants' discriminatory policies, practices and/or procedures;

I. Order Defendants to place or restore the Class Representative and the class members into those jobs they would now be occupying but for Defendants' discriminatory policies, practices and/or procedures;

J. Order that this Court retain jurisdiction of this action until such time as the Court is satisfied that the Defendants have remedied the practices complained of herein and are determined to be in full compliance with the law;

K. Award nominal, compensatory and punitive damages to the Class Representative and the class members, in excess of 100 million dollars;

L. Award litigation costs and expenses, including, but not limited to, reasonable attorneys' fees, to the Class Representative and class members;

M. Award back pay, front pay, lost benefits, preferential rights to jobs and other damages for lost compensation and job benefits with pre-judgment and post-judgment interest suffered by the Class Representative and the class members to be determined at trial;

N. Order Defendants to make whole the Class Representative and class members by providing them with appropriate lost earnings and benefits, and other affirmative relief;

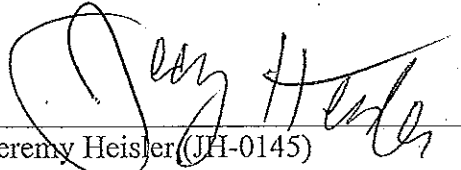
O. Award any other appropriate equitable relief to the Class Representative and proposed class members; and

P. Award any additional and further relief as this Court may deem just and proper.

JURY DEMAND

Class Representative demands a trial by jury on all issues triable of right by jury.

Dated: February 24, 2011



Jeremy Heisler (JH-0145)

Steven L. Wittels (SLW-8110)

Deepika Bains (DB-4935)

SANFORD WITTELS, & HEISLER, LLP

1350 Avenue of the Americas, 31st Floor

New York, NY 10019

Telephone: (646) 723-2947

Facsimile: (646) 723-2948

swittels@swhlegal.com

Janette Wipper (CA Bar No. 275264)

SANFORD WITTELS, & HEISLER, LLP

555 Montgomery Street, Suite 820

San Francisco, CA 94111

Telephone: (415) 391-6900

Facsimile: (415) 421-4784

jwipper@swhlegal.com

*Attorneys for Plaintiff Monique da Silva
Moore and the Class*