



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

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

DIRECTOR KEVIN KISH

December 30, 2015

James Elliott
12400 Wilshire Blvd. Ste 920
Los Angeles California 90025

RE: Notice to Complainant or Complainant's Attorney

DFEH Matter Number: [REDACTED]

Right to Sue: [REDACTED] / [REDACTED] Athene Asset Management L.P.

Dear Complainant or Complainant's Attorney:

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

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

Sincerely,

Department of Fair Employment and Housing



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DIRECTOR KEVIN KISH

December 30, 2015

RE: Notice of Filing of Discrimination Complaint

DFEH Matter Number: [REDACTED]

Right to Sue: [REDACTED] / [REDACTED] Athene Asset Management L.P.

To All Respondent(s):

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

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

No response to DFEH is requested or required.

Sincerely,

Department of Fair Employment and Housing



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DIRECTOR KEVIN KISH

December 30, 2015

[REDACTED]

RE: Notice of Case Closure and Right to Sue

DFEH Matter Number: [REDACTED]

Right to Sue: [REDACTED] / [REDACTED] Athene Asset Management L.P.

Dear [REDACTED]

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective December 30, 2015 because an immediate Right to Sue notice was requested. DFEH will take no further action on the complaint.

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

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

Sincerely,

Department of Fair Employment and Housing



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DIRECTOR KEVIN KISH

Enclosures

cc: Athene Holding Ltd. [REDACTED]

Athene Annuity And Life Company [REDACTED]

[REDACTED]

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

6 In the Matter of the Complaint of
7 [REDACTED] Complainant.
8 [REDACTED]
9 [REDACTED]

DFEH No. [REDACTED]

10 vs.

11 [REDACTED] Athene Asset Management L.P.,
12 Respondent.
13 2121 Rosecrans Ave. Suite 5300
14 El Segundo, California 90245
15 _____

16 Complainant alleges:

17 1. Respondent **Athene Asset Management L.P.** is a **Private Employer** subject to suit under the California
18 Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.). Complainant believes respondent is
19 subject to the FEHA.

20 2. On or around **October 05, 2015**, complainant alleges that respondent took the following adverse actions
21 against complainant: **Discrimination, Harassment, Retaliation Asked impermissible non-job-related**
22 **questions, Denied a good faith interactive process, Denied a work environment free of discrimination**
and/or retaliation, Denied employment, Denied family care or medical leave, Denied or forced to
transfer, Denied promotion, Denied reasonable accommodation, Denied reinstatement, Forced to quit,
Laid-off, Terminated, Other, forced to quit working or leave work to a take leave of absence on account
of disability, harassment, discrimination, retaliation, and hostile work environment, subjected to
unlawful harassment, discrimination and retaliation. Complainant believes respondent committed these actions
because of their: Age - 40 and over, Association with a member of a protected class, Disability,
Engagement in Protected Activity, Family Care or Medical Leave, Marital Status, Sex- Gender, Other .

3. Complainant [REDACTED] resides in the City of [REDACTED] State of **California**. If complaint
includes co-respondents please see below.

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Co-Respondents:

Athene Holding Ltd.

2121 Rosecrans Ave. Suite 5300
El Segundo California 90245

Athene Annuity And Life Company

2121 Rosecrans Ave. Suite 5300
El Segundo California 90245

Additional Complaint Details:

Beginning in 2011, Complainant [REDACTED] (Complainant) was employed by Respondent Athene Asset Management, L.P. (AAM), reporting directly to its CEO, Respondent [REDACTED]. Beginning in 2015, Complainant remained employed by AAM, and she also became employed by AAMs related entities, Respondent Athene Holdings Ltd. (AHL), and Respondent Athene Annuity and Life Company (AALC). Complainant was thus employed by Respondents AAM, AHL, and AALC, and AAM, AHL, and AALC were her joint employers. In addition, AAM, AHL, and AALC were a single integrated enterprise, such that AAM would be deemed Complainant's employer at all times. Alternatively, AAM, AHL, and AALC (sometimes collectively referred to herein as Athene or Respondents), and, alternatively, Respondent [REDACTED] were otherwise each a person under Section 12940(i) of FEHA who aid(ed), abet(ted), incite(d), compel(led) or coerce(d) unlawful retaliation, discrimination, and harassment against Complainant. From the inception of her employment, Complainant performed brilliantly as a marketing, branding, and operations executive, leading to promotions, outstanding performance evaluations, merit increases, and performance bonuses. In 2013, Complainant was promoted to Director, Corporate Brand and Identity, and, in December of 2014, Athene promised to consider her for promotion to Vice President, Corporate Brand and Identity in March of 2015. Not surprisingly, Complainant received regular affirmations hailing her work product and contributions to Athene's success, e.g., her trailblazing work in crafting Athene's Driven To Do More tagline, and its marketing, advertising and branding campaign. Unfortunately, from the outset, Respondent [REDACTED] continuously subjected Complainant to pervasive gender and sexual harassment, other forms of illegal harassment, and discrimination that included, not only continuous vile verbal assaults, but high-decibel, close-quarter intimidation, threats of violence, assaults, and, even battery. For example, [REDACTED] riddled Complainant with (1) sexual expletives, including permutations of the F-bomb, (2) voyeuristic demands that she disclose her sexual relations, (3) indictments that she was stupid and weird for objecting, and (4) charges that she was getting too old to marry and have children. He went further by repeatedly hawking her favors, bellowing, for example, that [REDACTED] here is single, and, then, reprimanding her with warnings that, given her age, she can't be picky. When she first complained in 2011, Respondent AAM's SVP Human Resources [REDACTED] said that Complainant needed to lie when [REDACTED] asked about her personal life, and deflect from, and deal with, his other harassment. Respondent [REDACTED] misconduct thereafter worsened, as he compounded a continuing steady stream of sexual profanities, interrogations, and public humiliations with rants against gays, e.g., Where the fuck is [REDACTED] ... Get him I don't care if he's taking a shit or in bed fucking his gay lover, and Asians, Indians, Blacks, the disabled, e.g., Asians are even beginning to outnumber the Indians, All we need now is a black guy, Maybe we should get a black guy in a wheelchair and then we will have it all covered, and women, What the fuck is that yellow thing she is wearing? She looks

like a fucking bumble bee because shes so fat. You could tip her over and roll her down the hill and she wouldnt stop! God! How does she have a boyfriend? [REDACTED] projected the depth of the malice informing his actions by (unsuccessfully) demanding that Complainant confess Who (she) hate(s) the most in this office?, and continued to loudly pimp her out, e.g., [REDACTED] here is single! Meanwhile, Respondent [REDACTED] treated Complainant like a female serf, routinely requiring fourteen hour weekdays and long weekend commitments, yelling the rule that it was unacceptable to leave for a few minutes or for lunch, cross examining her when she took a bathroom break by bellowing I tried to call you. Where the fuck were you?, and chastising that she was stupid for, for example, by telephoning her financial advisor away from her desk, and warning Dont do it again! [REDACTED] loud beat downs were frequently heard by other executives, who sometimes added to Complainants embarrassment with gratuitous snickers. Respondent [REDACTED] also demanded that Complainant be at his beck and call, including during holidays. Thus, for example, when he couldnt find his newspaper over Thanksgiving and she did not instantly respond to his dawn telephone call, he screamed at her for vacationing in a locale that had a cell phone dead spot, e.g., Why the fuck didnt you pick up your phone? Dont go to places that dont fucking have reception! Once, over Christmas, he telephoned to rail that she had lied about where he could find his personal Christmas card list: Why did you fucking lie to me? There is no fucking list on my chair! Dont you ever fucking lie to me again! In the office, he would further demean her by shouting Shut the fuck up!, and Stop fucking talking!, and threaten that You cant fucking leave until Im done yelling! On about July 11, 2012, Respondent [REDACTED] harassment escalated to a physical attack. Thus, after informing him that lawyers were requesting a press release modification, [REDACTED] physically trapped Complainant in her chair, shrieked We tell them what to fucking do, Not the other way around!, and, while looming inches from her with his face turning a deep red, spewed her with spittle as he screamed I dont give a fuck what they say!, began pounding her desk, and then waded up the press release, threw it, hitting her in the face. In full panic, Complainant ducked under his arm and raced to safety out of the building, trembling and crying. After trying to collect herself, Complainant learned from a colleague that [REDACTED] was very angry and had left in a rage. The next day, he summoned Complainant for a dress down. After Complainant euphemistically explained that he had made her very uncomfortable, [REDACTED] denied he had assaulted and battered her, and, with a loud threat against her job, yelled You dont fucking walk away from me when Im yelling. I dont give a fuck if you are uncomfortable. Are you comfortable with your job? You dont fucking walk away when Im yelling! Do you understand? Complainant complained to [REDACTED] who also chose to retaliate, warning its hard to win a law suit, and threatening that (i)f I talk to him, that wont go well for you. You know what he will say. Understanding the alternative was discharge, Complainant dropped her complaint, and resigned herself to the hope that [REDACTED] would change. Instead, his harassment continued unabated, leaving her continuously anxious that he might again act out physically. Between 2012 and 2015, Respondent [REDACTED] continued his physical threats, cornering Complainant in her office, or demanding she Get the fuck over here! next to him, where he would scream F-bombs with reddened face, causing her to rush away in panic. [REDACTED] would then respond by later hollering [REDACTED] weve fucking talked

about this before. We are not done talking until Im done yelling! You dont fucking walk away from me! At other times, [REDACTED] moods would cascade into F-bomb yelling sprees attacking her intelligence and competence, e.g., Do you even know what the fuck you are talking about?, or commanding her to instant action, fucking find (it/him/her).Also distressing were Respondent [REDACTED] unwelcome rants about, for example, (1) the details of his reproductive system and sex life, e.g., how his penis worked, his sperm count, his sperm were strong swimmers, (2) his sexual stereotypes, e.g., men make more money and have the power, and how taking pregnancy/child-birth leave was ridiculous and dumb and betrayed a lack of career serious(ness), and (3) his antipathies toward pregnant women, new mothers, and older women in the workplace, e.g., cancelling an expectant mothers parking spot in the dead of a freezing Iowa winter because Last time I checked it was good for a pregnant woman to walk!, forcing a new mother to retreat to the parking garage to pump milk for her new-born, and boasting that he would not hire a woman because of her age and refusal to disclose it. All the while, [REDACTED] advertised his sexism by refusing to work directly with women who, in his view, were not very attractive, and, instead, compelling Complainant to perform their tasks by barking I dont give a shit. You can fucking learn it in time and figure out how to take care of the rest, and hectoring against female executives who were, in his view, so fat as to cause him to wonder how they were able to find a husband.All of these harassment and assaults accumulated in the context of the ever increasing, and unmanageable, work demands Respondent [REDACTED] imposed. Thus, [REDACTED] demanded for four years that, in addition to her full-time marketing/branding responsibilities, Complainant continue to assume the separate full-time, or near full-time, role of Office Manager, that, as dictated by [REDACTED] required her, for example, to manage the design and build-out of four office spaces, and three office re-locations, and to otherwise dispatch a raft of other proliferating tasks that were, in his view, incumbent upon an office manager.Finally, in the fall of 2014, Complainant informed Respondent [REDACTED] and [REDACTED] that her two full-time, or near full-time, jobs were beginning to break her, and that she could no longer sustain the pace. She further explained that Athenes global acquisitions were typically requiring her to work from dawn until very late into the night in order to coordinate with executives in far-flung time zones. With this, she was still pre-occupied with revising Athenes websites and executing its latest relocation. [REDACTED] responded by scoffing at her, and [REDACTED] ignored her.During the last week of January 2015, Respondent [REDACTED] cornered Complainant and began yelling and threatening that she had to meet his competing, and unreasonable, deadlines. As she explained she was doing her best, [REDACTED] shouting grew louder and his face grew beet-red. Complainant began to feel trapped, and feared he would again throw something at her, or strike her. [REDACTED] screamed that he only fucking care(d) about the AHL website site, didnt give a fuck about Germany, the time differences, or Complainants deteriorating physical and emotional condition, because We pay you for that. He capped the assault by shaking his raised hand and shouting a disgusting, graphic threat of forced sexual and anal intercourse: I dont give a fuck. Im going to ride your ass until it gets done. Shell-shocked and terrified, Complainant promised to do her best just to get him out of her office. Over the course of the next several weeks, as he continued his routine pattern of F-bomb blasts, profane rages, discriminatory rants, and

sexually inappropriate mutterings, Respondent [REDACTED] continued to pile on work, and he enforced his demands and deadlines by trapping Complainant with close-quarter, high-decibel, red-faced, gesticulating fulminations that included his trademark ride your ass threats. Apart from her fear, Complainant's humiliation grew when executives who had heard [REDACTED] outbursts expressed sympathy, or apologized for laughing. As in the past, Complainant remained in place trying to physically and emotionally weather these assaults and [REDACTED] other harassment on account of her professionalism, pride, commitment to the enterprise, and the fulfillment she derived from her creative work product. Instead of addressing Complainant's protest that Respondent [REDACTED] harassment, including the ride your ass assaults, were creating a debilitating hostile environment, [REDACTED] admitted hearing at least one Respondent [REDACTED] ride your ass fits, but declined to take any action, because in her words, That's just how he is. After a string of ride your ass assaults, Complainant again complained to [REDACTED] on about March 11th that she was petrified and becoming too ill to work, and asked her to take action. [REDACTED] promised to talk to [REDACTED]. Instead, she thereafter repeatedly indicated she was afraid to broach the subject with him. Meanwhile, [REDACTED] ride your ass assaults continued, and Complainant's condition deteriorated. On March 30th, [REDACTED] Corporate Development, asked about, and Complainant described, Respondent [REDACTED] sexual harassment, including his ride your ass assaults, the hostile work environment, [REDACTED] failure to do anything in response to her complaints, and her waning physical and emotional condition. [REDACTED] acknowledged [REDACTED] sexual harassment, and said he was required to report it to [REDACTED] Human Resources. Within hours, [REDACTED] stormed at Complainant, yelling You reported me!, falsely accusing her of violating policy by talking to [REDACTED] and warning that she had tried to calm [REDACTED] down, but he was really defensive, wanted to talk to Complainant, and indicated she was too afraid to be present for their meeting. On April 3rd, [REDACTED] and Legal Counsel, asked Complainant about her complaints. [REDACTED] knew about Respondent [REDACTED] history of sexual harassment toward her, including the July 11th assault and battery, and Complainant relayed recent harassment, the hostile work environment, the ride your ass assaults, and [REDACTED] do nothing approach and retaliatory threats. [REDACTED] said he would talk to [REDACTED] and [REDACTED]. Rather than investigating and remedying her complaint, Respondents decided that, one way or another, Complainant had to be eliminated, immediately. [REDACTED] thereon telephoned Complainant at her home on Easter Sunday, i.e., April 5th, told her that working with Respondent [REDACTED] was somehow not bad, and further retaliated by issuing a Hobson's choice ultimatum that constructively, and de facto, terminated her employment. Thus, [REDACTED] announced that Complainant would be barred from the workplace unless she agreed within twenty-four hours to one of three options: either accept the punishment of (1) continuing to report to [REDACTED] who would go unpunished and remain free to harass and retaliate, (2) relocating to Iowa, while continuing to report to [REDACTED] or (3) accept a forced resignation, i.e., as [REDACTED] repeatedly said, maybe you're just done, and maybe under the circumstances you're just done. Complainant was left stunned. Rather than accepting one of Respondent's options within twenty-four hours, Complainant reported to her physician, who diagnosed her as [REDACTED] by disabling medical conditions, and ordered her to take a medical leave. Respondents took little time formalizing

Complainants discharge. In response her physicians certification extending her leave, Respondents notified Complainant that she had been terminated from her position and her employment through letters dated July 20th and August 28th. The July 20th letter was a study in fraud, i.e., it misrepresented both the law and the medical certification in order to deny Complainant reasonable accommodation and terminate the interactive process. It first misrepresented the law by claiming that Complainants twelve week leave exhausted all job protected leave, in truth, the FEHA afforded her job protected leave far beyond twelve weeks. It then misstated the law by falsely asserting that Complainants discharge was justified because her absence presented a challenge, in truth, FEHA required a showing of undue hardship, which a multi-billion dollar enterprise like Athene could not remotely begin to demonstrate. Not content with these judicially noticeable prevarications, Respondents letter then attempted to re-write the medical certification itself, by falsely claiming it stated it was impossible to predict, and had given no indication regarding the date of Complainants expected return, in truth, nothing like the meaning of the words impossible to predict appeared in the certification, and it had signaled the opposite by stating Complainants condition would be reevaluated in two weeks. After thereby constructively and de facto firing her, Respondents August 28th letter announced that Complainants employment would be formally terminated on October 5th. Between February of 2011 and October of 2015, Respondents subjected Complainant to a spectrum of adverse employment actions, including (1) over four years of base sexual and gender harassment and gender discrimination, including recurrent threats of physical and sexual violence, and violence, by Respondent [REDACTED] (2) race, national origin, gender, age, sexual orientation, and disability harassment and discrimination directed at her, and at others in her presence, by Respondent [REDACTED] (3) repeated refusals over four years by Respondent [REDACTED] and their highest ranking human resources executives to investigate or remedy her complaints, (4) retaliation for lodging harassment, discrimination, and retaliation complaints against, for example, Respondent [REDACTED] and a high ranking human resources executive, (5) culminating in disabling injuries, further retaliation, disability discrimination, failure to accommodate and engage in the interactive process, and constructive, de facto, and actual discharge. All of the adverse actions by the Respondents against the Complainant are timely brought under the continuing violation doctrine because, commencing in 2011, and continuing through October 5, 2015, and thereafter, Respondents subjected Complainant to a series of adverse actions that were similar-in-kind, i.e., were motivated by the same discriminatory animus, even if otherwise different actions, occurred with reasonable frequency, and did not acquire permanence until after she was formally discharged on October 5, 2015. The hostile environment was first created by Respondent [REDACTED] continuous four-year campaign of sexual and gender harassment, other forms of actionable harassment under FEHA, gender discrimination, and retaliation. This misconduct inflicted physical and emotional injury, and, ultimately, physically incapacitated and disabled Complainant. This hostile environment, and other acts of discrimination, harassment and retaliation, were simultaneously compounded and extended by the Respondents, beginning in 2011, and continuing until October 5, 2015, and thereafter, through [REDACTED] and/or [REDACTED] and/or others, by, for example: (1) failing to investigate, or remedy Complainants protests on or about August of 2011, July

11th and 12th of 2012, March 11, 2015, between March 11th and March 30th of 2015, March 30th, and April 5th of 2015, (2) retaliating against her for lodging complaints, including on about July 11th and 12th, 2012, March 30th and April 5th of 2015, by refusing to investigate and remedy her complaints, asserting that she must assent to sexual/gender harassment, discrimination, and assault and battery as a condition of employment, issuing threats for reporting harassment pursuant to Respondents Respectful Workplace Policy, and issuing the punitive three options ultimatum, (3) inflicting physical and emotional injuries through the foregoing misconduct, (4) physically disabling her, barring her from the workplace, and constructively and de facto terminating her by no later than April 5, 2015, in consequence of, for example, the foregoing misconduct, as well as by requiring that she acquiesce in the three punitive options ultimatum, and (5) extending the harassment/discrimination/retaliation/failure to prevent, and independently constructively/de facto/formally terminating her employment on about July 20th, August 28th, and October 5th of 2015 by refusing, for example, to accommodate and engage in the interactive process, investigate and remedy her complaints, terminating her position and employment, and exacerbating and extending her disability. Respondents therefore remain liable under the continuing violation doctrine this entire course of conduct, including acts predating any statutory period, inasmuch as at least one, and, in this case, numerous, of the acts, including most prominently, Complainants discriminatory and retaliatory discharge, occurred within any conceivable statutory period under FEHA. Respondents therefore remain liable under the continuing violation doctrine this entire course of conduct, including acts predating any statutory period, inasmuch as at least one, and, in this case, numerous, of the acts, including most prominently, Complainants discriminatory and retaliatory discharge, occurred within any conceivable statutory period under FEHA. Respondents are therefore liable for: (1) retaliation in violation of Section 12940(h) of FEHA, (2) sexual, gender, and other discriminatory harassment, and gender discrimination, in violation of Sections 12940(a),(j) of FEHA, (3) gender discrimination in violation of Sections 12940(a),(j) of FEHA, (4) disability discrimination, failure to accommodate, and failure to engage in the interactive process in violation of Sections 12940(a),(m),(n), and 12926.1(e) of FEHA, and (5) failure to prevent harassment, discrimination, and retaliation in violation of Section 12940(k) of FEHA.

1 VERIFICATION

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

5 On December 30, 2015, I declare under penalty of perjury under the laws of the State of California that the
6 foregoing is true and correct.

7 **12400 Wilshire Blvd., Suite 920, Los Angeles, CA 90025**
8 **James F. Elliott, Esq.**
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