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| -----X | SUPERIOR COURT OF NEW JERSEY |
| GINA BILOTTI, | : LAW DIVISION: ESSEX COUNTY |
| | : DOCKET NO.: |
| Plaintiff, | : |
| | : Civil Action |
| v. | : |
| | : <u>COMPLAINT AND JURY DEMAND</u> |
| JOHNSON & JOHNSON, | : |
| | : |
| Defendant. | : |
| -----X | |

Plaintiff, Gina Bilotti, ("Ms. Bilotti" or "Plaintiff"), by her undersigned attorneys, says:

NATURE OF THIS ACTION

1. For over 24 years Plaintiff Gina Bilotti had a rewarding and successful career at defendant Johnson & Johnson (“J&J”). Despite the white-male-dominated leadership at the company, Ms. Bilotti was able to flourish because of her extraordinary people skills, her strong work ethic, her talent, and her willingness to gain broad experience in multiple roles. Everything changed when Ms. Bilotti began to report to two newly-placed male executives who harassed and discriminated against her due to her gender and sexual orientation. When J&J appointed Darren Snellgrove as the new CFO he immediately treated Ms. Bilotti in a discriminatory way, ostracizing and marginalizing her, treating her in an abusive and condescending way, and ignoring her contributions. Shortly thereafter Mathai Mammen

became Global Head of R&D for J&J and Ms. Bilotti began reporting to him as well. Mammen pressured Ms. Bilotti for access to her personal Facebook page, made a number of inappropriate comments to her and began a process of systematically replacing senior female executives with white males thus creating and fostering an environment where gender discrimination at the highest levels of R&D could thrive. When Ms. Bilotti (and her co-workers) complained about the discrimination and harassment, Defendant J&J began a ruthless pattern of retaliation which included removing Plaintiff from key and high-profile management committees, marginalizing plaintiff, conducting a ridiculously bogus audit of her expenses, reducing her pay by \$90,000, and, ultimately, terminating Plaintiff's employment. The highest levels of J&J management participated in and condoned the retaliation against Ms. Bilotti, including CEO Alex Gorsky, who had lavished praise on Ms. Bilotti until she complained to him about sex discrimination and harassment. On the very day Ms. Bilotti complained to CEO Gorsky, two departments were removed from Ms. Bilotti's responsibilities. The day after Ms. Bilotti met with Gorsky, she was removed from prominent management committees to which she had been appointed. Two days after her appeal to Gorsky for help, J&J began a bogus and malicious audit of her expenses. Three days after Ms. Bilotti alerted Gorsky to the discrimination and harassment, her budget was significantly reduced. The retaliatory abuse and betrayal left Plaintiff physically and emotionally ill, and without a career. Plaintiff brings this action to remedy discrimination and harassment on the basis of sex and sexual orientation, unequal pay, and retaliation in violation of the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, et seq. (the "LAD").

PARTIES

2. Plaintiff, Gina Bilotti, at all times relevant to this cause of action, was a resident of New Jersey, residing in Warren, and employed in New Jersey by Johnson & Johnson.

3. Johnson & Johnson is headquartered in New Brunswick, New Jersey. It is a multi-national company with over 140,000 employees and a net worth of over \$390 billion.

JURISDICTION AND VENUE

4. Defendant is headquartered in New Jersey and conducts substantial business throughout New Jersey and in Essex County.

5. Jurisdiction is proper in New Jersey since all operative facts took place in New Jersey, where Plaintiff worked for the vast majority of her 24-year career.

6. Pursuant to R. 4:3-2, venue is proper in Essex County, New Jersey, because Defendant actually does business in Essex County, New Jersey.

COUNT ONE

(Gender Discrimination in violation of the LAD)

7. From 1995 until her wrongful termination in 2020, Plaintiff was employed by Defendant. Her initial position was Senior Operations Engineer in J&J's Ethicon, Inc. subsidiary in Somerville, New Jersey.

8. Plaintiff quickly earned strong management support based on her hard work and commitment. She developed a reputation for delivering beyond expectations.

9. Over the course of her 25-year career at J&J, Plaintiff worked successfully across various corporate sectors for Defendant. Ms. Bilotti rose through 17 roles in Supply Chain, Commercial, and Research and Development (“R&D”).

10. Plaintiff received numerous awards during her career, including, but not limited to; (a) a Standards of Leadership award in 2000 in recognition of the successful launch of a STEM high school program for the Janssen robotics team, resulting in 3 first place regional competition awards; (b) a 2000 Janssen Leadership award for a key leadership role in bringing the Gurabo Manufacturing expansion online; (c) a Standards of Leadership award in 2003 for designing, launching and leading one of the top Process Excellence programs across the corporation; (d) a 2004 Reach Award for effectively planning and leading the Topamax Migraine Global Speaker Summit, which included training over 175 participants from more than 30 countries; (e) another Reach Award in 2004 for the highly successful showing of the Topamax Migraine team at the International Headache Society Congress; (f) a Standards of Leadership award in 2007 for working directly with the J&J CEO and WW R&D Council to design and execute a highly successful Summit on Convergence for the top 50 executives in the corporation; (g) a 2008 Janssen award for serving as a member of a small core team of senior executives who formed Janssen R&D by combining 5 R&D organizations into a new operating model; (h) an AMEX award in 2010 for exemplary overall leadership of the Janssen R&D 3-day Global Leadership Summit (i) a Standards of Leadership award in 2012 as one of the key leaders for the JEDI(Janssen Excellence in Development Initiative); and (j) a 2013 AMEX award for her critical leadership role in design and execution of one of J&J's most successful R&D Analyst Days. On December 9, 2011, Plaintiff was also recognized by Bill Hait, the Global Head of R&D, and Vice Chair Paul Stoffels for the pivotal role she played in the signing of the Ibrutinib deal, which

contributes close to \$4B a year and continues to grow at over 40% a year.

11. Due to her excellent performance and strong leadership potential, plaintiff was selected for multiple high-profile leadership development programs, including a prestigious appointment by the 2014 Pharmaceuticals Group Operating Committee (“GOC”) to the Accelerate Enterprise Leadership (“AEL”) Program, a well-established program known for its rigorous selection process and “high potential” selection criteria. In the AEL program, Ms. Bilotti was nominated to present on behalf of her group multiple times.

12. During her long career at J&J, Plaintiff’s excellent performance led to movement up the career ladder in diverse roles including, but not limited to, being promoted to Vice President and Chief of Staff for the Global Head of R&D, then to a business-critical role as Vice President, Global Head Janssen R&D Project Management ORG (“PMO”), followed by a promotion to Vice President-2 (VP2) through the further broadening of her responsibilities to include Enterprise level responsibilities as Vice President Enterprise Project Management and Portfolio Excellence until senior management requested that she take on an additional role as the Senior Strategic Advisor to Global Head of Janssen R&D (“JRD”). In JRD, Plaintiff led an organization of over 350 employees, managed a budget of \$85 million, and oversaw an R&D Pharmaceuticals portfolio with an expected net present value in excess of \$42 billion. Ms. Bilotti also was appointed to chair and/or serve on a number of key Company management committees, including, but not limited to (a) the senior management Investment Committee (IC); (b) the Janssen R&D Senior Leadership Team (JRD SLT); (c) the Development Committee (DC); (d) the Senior Strategy & Operations Committee (SSO); (e) the Corporate Cross-Sector R&D/Information Technology (IT) Council; (f) the J&J Corporate Portfolio Process Team; and as committee chair of both (g) the Strategy and Portfolio Management Committee (SPM) and (h) the

Operations Management Committee (OMC).

13. Plaintiff was a mentor and leader to many J&J employees as demonstrated by many years of emails, call and notes thanking her and praising her as a role model. Ms. Bilotti also received numerous messages of thanks and sorrow about her departure from the company.

14. Though Plaintiff spent much of her career with J&J living in New Jersey, she also agreed to move to J&J's office in Beerse, Belgium for a three-year commitment beginning in August of 2014. This move required uprooting her family, including her young son and 80-year-old mother. Her performance there was exceptional and her leadership presence was extremely impactful, prompting Defendant to extend Plaintiff's assignment for another year to August of 2018.

15. Defendant J&J and its CEO Alex Gorsky publicly claim to promote diversity and inclusion. J&J consistently tells its employees that it is committed to a harassment and retaliation-free workplace and encourages employees to feel safe to raise their concerns. These words are belied by J&J's deeds. Just as J&J has lied for decades about the asbestos in its baby powder, which it promoted to women as a feminine hygiene product knowing that it caused ovarian cancer, J&J's actual employment practices are the opposite of its claims of valuing, respecting, and listening to women and minority employees. These lies have impacted all female employees of J&J.

16. For example, in 2017, J&J's Pharma R&D Senior Leadership Team (SLT) consisted of twenty-seven people, including only four women. By mid-2018, that number declined even further as eight senior R&D roles in a row were filled with white males, replacing four women with men.

17. In February of 2019, Plaintiff complained about the discriminatory make-up of the

SLT to Kristin Mulholland (Head of HR for the Pharmaceuticals Group), Jennifer Taubert (EC Member), Paul Stoffels (EC Member and Vice Chair) and Alex Gorsky (CEO and Chairman). Similarly, other women at J&J complained to Plaintiff about the “old boys club” at J&J as many employees noticed the stark change in female representation at the R&D SLT and broader VP levels. Plaintiff’s complaints, and those of other female employees at J&J, were ignored.

18. During 2018 and 2019, several high-level female employees were ushered out by the Company.

19. In July 2017, Plaintiff’s ability to overcome the sexist bias at J&J changed significantly. At that time, Plaintiff began to report to Darren Snellgrove, the newly named Chief Financial Officer (“CFO”) for Janssen R&D. Snellgrove immediately treated Plaintiff in a sexist, harassing and demeaning way, including telling her to “shut up,” abusing and embarrassing her in meetings, saying things such as “did I tell you you could talk?,” “fuck you Gina,” and, on a call with other employees, “obviously I need to explain this to you in words you will be able to understand.” Snellgrove’s gender discrimination and harassment included ostracizing and marginalizing Ms. Bilotti.

20. Snellgrove’s sexism was immediately revealed. He spent the first six weeks as CFO of JRD meeting **only** with his male-dominated Finance senior leadership team. Although Snellgrove knew nothing about Plaintiff or her accomplishments at J&J, Snellgrove completely ignored her requests for meetings or approval for critical business decisions

21. In addition to his discriminatory and harassing behavior, Snellgrove acted unethically when he misled Mammen, the Global Head of R&D, regarding the past performance and efficiency of Plaintiff’s group by reporting a number which had been

inflated to more than three times what the data confirmed. When Plaintiff complained about the misrepresentation, Snellgrove threatened her, saying “what are you going to do? Sure, go and tell someone, see if I care, but just remember, even if they change your reporting line, I control your headcount and your budget, and there are 350 lives that depend on you, so think about that before you go to bed at night.”

22. Plaintiff was shaken by this comment, as she was by Snellgrove’s other abusive comments, threats and harassment. Snellgrove did, in fact, deliver on his threat, cutting Plaintiff’s budget by more than 20% over two years. During that same time period, Snellgrove cut the budgets of Plaintiff’s male peers by only 2 to 3 percent per year.

23. Snellgrove’s harassment and discrimination of Plaintiff was so public and obvious that Ms. Bilotti’s co-workers submitted multiple Credo Hotline complaints in late 2017 and early 2018 alerting J&J management to the abuse.

24. During her employment, Plaintiff was subjected to an almost cult-like postings and references to the J&J “Credo.” J&J touts the Credo as its “guiding principles” and posts it and references it *ad nauseum*. Plaintiff did not know that in 1995 J&J argued and won in Court a ruling that the Credo means nothing. J&J argued and won in Court that it is not bound by the “principles” outlined in the Credo and cannot be forced to abide by them or sued for violating them. Despite this, J&J leads its employees to believe that it abides by the Credo- when it does not.

25. Employee Relations met with Plaintiff on January 8, 2018 to discuss the fact that hotline complaints had been filed by her co-workers about Snellgrove's abusive behavior. Plaintiff was told that colleagues had expressed significant concerns about how Snellgrove spoke to and treated her. Plaintiff shared openly with Employee Relations her fear about potential retaliation by Snellgrove as a result of these complaints. J&J did nothing to address or remedy the discrimination and harassment against Plaintiff by Snellgrove.

26. J&J HR is part of a coordinated corporate response to discrimination and harassment complaints which is designed to discourage complaints, protect discriminators and harassers, and retaliate against and make an example of those who dare to complain.

27. On February 1, 2018, Plaintiff's ongoing five month reporting relationship with Mathai Mammen, the newly-appointed Global Head of R&D, was finally announced to the organization as an official dotted-line.

28. Plaintiff's brother died in November of 2017, while Plaintiff was working in Belgium. Plaintiff was extremely upset about her brother's death and the fact that she was unable to help or comfort him at the end of his life.

29. Mammen used Plaintiff's distress and grief as a way to manipulate and use her. While he was using Plaintiff to understand and adjust to his new role, he engaged Plaintiff as if she were not only part of his inner circle and high-level team, but as if she were a friend with whom he shared emotional conversations and private thoughts.

30. For example, on December 17, 2017, Mammen wrote to Plaintiff in email, "Did I tell you recently how thrilled I am to be working closely with you?" In addition, early in their working relationship, on January 25, 2018, Plaintiff expressed hesitancy about taking a role as Mammen's Senior Strategic Advisor as a third responsibility, in addition to the two she already had. Mammen responded by email, "I'd really like to speak live again soon...I must say I have become addicted to you and need you badly to re-create our amazing R&D org...I need you." The next day, during a call on January 26, 2018, Mammen said: "I don't typically believe in fate, but I do have this strong feeling that we were brought together for a reason, our paths crossed for a reason. We were somehow meant to meet at this exact point in time. You to help me here in JRD and me, because I

understand all too well about the grief you're going through. I know we're going to do great things together!"

31. Mammen, who was in the United States during these conversations, while Plaintiff was in Belgium, may have been grooming Plaintiff for a sexual relationship. That ended when Mammen learned that Plaintiff is gay.

32. Soon after telling Plaintiff that he was "addicted to" and "needed her," Mammen asked for access to her Facebook page. On January 28, 2018, when Plaintiff asked Mammen why he wanted to know if she had a Facebook page, Mammen responded, "Just wanted to connect that way too. Normally reserved for family and close friends" and "deep trust." Plaintiff told Mammen that she was a private person and tried to draw a line between her work and her private life. However, Plaintiff felt she had no choice but to allow Mammen access to her private Facebook page.

33. After Mammen had access to Plaintiff's Facebook page, he became aware that she is gay. Thereafter, Mammen began to treat Plaintiff dramatically differently, significantly reducing his contact with Plaintiff and interacting with her in an abrupt and demeaning manner.

34. In January of 2018, Troy Sarich became the Head of Strategy under Mammen. Sarich treated Plaintiff in a demeaning and derogatory way during the time he worked with her. Sarich began his relationship with plaintiff by complaining that her superior experience was a "problem." During his first conversation with plaintiff, Sarich said: "The only problem I see you and I having, Gina, is that you did this same job 10 years ago so I have to worry about you looking over my shoulder and second guessing me. This is my time and I don't care about what happened back then, I want to get this experience without

interference. This is the biggest problem I see you and I having.”

35. Mammen created and allowed an environment in which both Sarich and Snellgrove discriminated against Plaintiff by excluding, marginalizing, and undermining her. For example, all three men kept Ms. Bilotti out of conversations, collaborations and meetings that her male peers attended, undermining her effectiveness and reputation.

36. Mammen’s treatment of Plaintiff got worse over time. For example, on September 6, 2018, during an Investment Committee (IC) meeting, Mammen openly mocked Plaintiff in front of other senior leaders, her peers and subordinates during a global video conference. Speaking while not realizing his microphone was live, Mammen laughed at Plaintiff as he stated in a mocking tone, referring to her as “she”: “Here she goes about Accelerando again, who cares, it doesn’t even matter, Accelerando this, Accelerando that, it doesn’t even make any difference.” It went on until others were able to break in and alert him to the fact that his microphone was live and that everyone at the other sites, including Plaintiff, could hear him. Plaintiff was mortified at being openly ridiculed in front of more than 30 peers and subordinates.

37. Thus, in 2018, the three males in charge of Plaintiff’s career (Mammen, Snellgrove and Sarich) repeatedly disrespected Plaintiff, ignored or minimized her contributions, cut her out of key meetings and, when she was permitted to attend, repeatedly favored males at those meetings. For example, on September 16, 2018, Mammen asked Peter Ronco to share with the R&D SLT his personal experience having lived in Belgium for about 6 weeks. In front of her peers and subordinates it was clear that a male with significantly less experience than Plaintiff, who had been living in Belgium for more than 3 years, was asked to speak to the group about living in that country.

38. By and through these actions, Defendant has violated the LAD, by discriminating against Plaintiff on account of her sex and sexual orientation. N.J.S.A. 10:5-12(a).

39. As a direct and proximate result of defendants' wrongful conduct, Plaintiff has suffered, and continues to suffer, damages including lost pay and benefits, severe mental, physical and emotional distress, pain and suffering, anxiety, stress, humiliation, and personal physical injury and physical sickness.

COUNT II

(Retaliation in Violation of the LAD)

40. Plaintiff repeats and incorporates by reference all preceding paragraphs of the Complaint as fully as though they were set forth herein at length.

41. Beginning in or about the fall of 2017 and continuing throughout 2018 and 2019 Plaintiff told senior management and Human Resources about the harassing and discriminatory behavior described above. J&J's HR failed to take remedial action to protect Plaintiff. J&J HR took more than a year from Plaintiff's first complaint to initiate an investigation. J&J HR left Plaintiff at Snellgrove's mercy even though she - and others - complained about his discrimination and harassment of Plaintiff. Throughout the alleged "investigation" by HR, Snellgrove still controlled the budget of Plaintiff's group.

42. In April 2018, Mammen told Stef Heylen, Plaintiff's direct line manager, to speak to Snellgrove, Sarich and Plaintiff about the discrimination complaints made by Plaintiff against Snellgrove and Sarich. Heylen spoke to Snellgrove and Sarich first, then to Plaintiff, on May 7, 2018. Heylen adopted the views of the men accused of discrimination and harassment and threatened Plaintiff, stating that Snellgrove and Sarich would determine her performance review. Heylen told Plaintiff that it was her job to get along

with the men who had ganged up to discriminate against and harass her.

43. After Heylen's threat, Plaintiff immediately contacted Charlene Mills, the Head of HR for Janssen R&D. Mills, like many women at J&J, left the company shortly thereafter. No one else in HR intervened on Plaintiff's behalf.

44. On May 8, 2018, Plaintiff told Heylen that Sarich and Snellgrove were working together to force her out of the company after 25 years because she had complained of discrimination. Heylen stated: "That may be true, but you need to lay low, lean back, keep your mouth shut and do whatever it takes to make this work with Troy and Darren. End of story."

45. This revealed to Plaintiff the policy of male executives at J&J to band together to threaten and retaliate against women who complained of discrimination. It also revealed the J&J policy that women who complain of discrimination are told to "make up with" their male tormentors.

46. In retaliation for Plaintiff's complaints of discrimination and harassment, in August 2018, Plaintiff received the worst mid-year performance review of her career. The review was not based on accomplishments to date, which had been beyond expectations, but instead on the sexist view that Bilotti did not know her place. The review sent a clear message to Plaintiff that her complaints of discrimination were treated with hostility by J&J.

47. During her mid-year review, once again, Plaintiff was told that Darren Snellgrove, the man Plaintiff and others had told J&J management and HR was discriminating against and harassing Plaintiff, and Troy Sarich, Snellgrove's co-conspirator, would provide the sole input into determining Plaintiff's 2018 year-end performance rating. The performance

review was extremely unfair, biased and retaliatory. Plaintiff responded with a clear evidence-based rebuttal. Thereafter, the mid-year review was removed from the HR system.

48. In further retaliation for Plaintiff's complaints of discrimination and harassment, positive comments from stakeholders and supervisors about Plaintiff's performance were removed from her 2018 reviews. One such removed comment was from Joanne Waldstreicher, Chief Medical Officer and one of Plaintiff's managers, who on September 23, 2018 sent an email to Heylen indicating that Plaintiff had exceeded expectations in her Enterprise role.

49. Waldstreicher noted Plaintiff's superior performance and commitment to J&J. Prior to the discrimination, harassment and retaliation by Snellgrove and Sarich, Plaintiff regularly received the highest possible performance rating, "Exceeds Expectations" (EE), in either the Leadership or Business Results dimension. Waldstreicher's opinion of plaintiff's 2018 performance was: "Gina has a dotted line to me and plays a very important role in cross Enterprise with Accelerando. She has done an excellent job this year on Accelerando, and brought significant value to the other sectors...Her accomplishments were specifically highlighted and applauded by [CEO] Alex [Gorsky] and the EC [J & J Executive Committee] as well as the J&J Research & Development Management Committee (RDMC) [a committee composed of the Heads of R&D for the 3 J&J Business Sectors] ...In terms of her work on Accelerando, she has exceeded my expectations."

50. Another example of key stakeholder feedback which was excluded from Plaintiff's review was from Oliver Stohlmann, Head of Janssen R&D Communications. On August 10, 2018 he submitted the following via J&J's performance management system: "Gina

has a deep passion for ‘doing the right thing’. Gina is also very inclusive...I perceive her as a strong, transparent collaborator honestly interested in advancing the strategic business agenda (often putting personal priorities behind, in the interest of the greater common good).” Stohlmann indicated an awareness of the emotional toll the treatment by Mammen, Snellgrove and Sarich was taking on Plaintiff and expressed fear that it might lead her to leave J&J: “Gina is very passionate about J&J, her team, her peers and the work that she leads. Because we’ve been partnering closely on very high-pressure activities over a number of years now (and, may I add, she’s been through a lot of personal change recently, affecting her team, reporting and business relationships) I’ve occasionally seen her take things (experiences with other people, decisions she perceived as not ideal from a business perspective) so serious that it seemed to impact her emotionally. While I’ve never observed this to deter her judgment or her ability to function, focus, act fully professionally and deliver/exceed expected results, I have been concerned about what these experiences might do to her personal motivation and preparedness to stay with the company.”

51. On September 19, 2018, Plaintiff asked Vice Chair Paul Stoffels for help in recovering her career in the face of the discrimination, harassment and retaliation to which she was being subjected. Later that same day, in retaliation for her asking Stoffels for help, Plaintiff received an email indicating that she had been removed from the Janssen R&D Investment Committee, on which she had been a founding member and had served for the prior 8 years.

52. On October 9, 2018, Plaintiff met with CEO Alex Gorsky in hopes of saving her career at J&J. Prior to Plaintiff complaining about discrimination, harassment and retaliation, Gorsky had complimented plaintiff’s leadership and work ethic numerous

times, for example, saying “You are an example of leadership for all of us!”

53. Shortly after her meeting with CEO Gorsky, on October 29, 2018, Plaintiff received a request for a call with Peter Fasolo, Global Head of Human Resources. Plaintiff was asked to await a call anytime between noon and 6pm. After waiting the entire afternoon, no call was ever received. After multiple follow-ups over the next few weeks, and repeated promises from Fasolo himself of a call which never materialized, it was clear that Fasolo had rudely dismissed Ms. Bilotti and had no interest in discussing her claims of discrimination and harassment.

54. Fasolo was probably aware that J&J’s policy of retaliation against employees who complain of discrimination would result in Plaintiff’s termination.

55. During the October 9, 2018 conversation with Gorsky, Ms. Bilotti told Gorsky about the discrimination, harassment and retaliation to which she had been subjected. She also described what she and other female executives at J&J experienced, including unequal pay and career opportunities for women and minorities, the lack of tolerance for hearing diverse voices, the lack of diversity in recent hiring at the VP level, and blatant retaliation against anyone who complained about discrimination or harassment. In response, Gorsky stated: “So, what you’re saying then is that there are un-Credo--like behaviors happening in Janssen R&D. That’s a big problem, Gina. A big, big problem.”

56. At the conclusion of the meeting, Gorsky promised to follow up on what he and Ms. Bilotti had discussed. He never did. He ignored Ms. Bilotti’s pleas for protection.

57. On the evening after the October 9, 2018 meeting with Gorsky, Ms. Bilotti wrote to Gorsky expressing her fear of additional retaliation because she went to him. On October 12, 2018, Gorsky responded to the email by promising to get back to Bilotti. No

such follow-up ever came.

58. Immediately after seeking help from CEO Gorsky, Plaintiff experienced an escalation in the dismantling of her responsibilities and, in the end, her career. Gorsky clearly participated in increasing the retaliation against Plaintiff for her complaints about discrimination, harassment and retaliation against her personally – and against women, gays and minorities in general.

59. On October 9, 2018 the very same day that Plaintiff sought assistance from J&J CEO Alex Gorsky, J&J retaliated against Plaintiff by removing two departments from her responsibility. The two departments were responsible for areas of the business where Plaintiff was widely recognized as a top expert and significant past contributor.

60. On the day following Plaintiff's meeting with Gorsky, October 10, 2018, J&J further retaliated against Plaintiff by revoking her membership on 4 major Management Committees: (a) the Strategy & Portfolio Management Committee (SPM); (b) the Operations Management Committee (OMC); (c) the Operations and Strategy Integration Committee (OSI); and (d) the Senior Strategic & Operations Committee (SSO), two of which Plaintiff had served as the Chair since their inception.

61. In further retaliation for Plaintiff's complaints of discrimination to CEO Gorsky, two days after Plaintiff's meeting with Gorsky, on October 11, 2018, for the first time in her 24-year career, Plaintiff was informed that she was being subjected to a bogus and malicious audit investigating Plaintiff's financial practices spanning back over 5 years.

62. In further retaliation against plaintiff for her complaints about discrimination, harassment and retaliation to CEO Gorsky, three days after Plaintiff's meeting with Gorsky, on October 12, 2018, Snellgrove reduced Plaintiff's budget more than 3 times that

of her male peers (10% vs 2-3%).

63. Seeking to save her career at J&J, Plaintiff went to CEO Alex Gorsky for help again on March 15, 2019. Plaintiff referenced the J&J Credo in asking for help in navigating the discrimination and harassment she was experiencing.

64. Gorsky did not advise plaintiff that the Credo is not worth the paper it is written on. Instead, he led plaintiff to believe that he cared about her – just as J&J leads its employees to believe the Credo means something.

65. On March 15, 2019, Plaintiff once again wrote Gorsky an email in which she laid out in detail the discrimination, harassment and retaliation to which she was being subjected and the discrimination against women and minorities in general which she and others observed and complained about.

66. In further retaliation for Plaintiff's complaints of discrimination and harassment, continuing through-May 2019, Plaintiff was subjected to completely ridiculous allegations of fraud and financial malpractice as J&J continued to pursue the totally unwarranted financial audit.

67. The retaliatory financial audit was obviously specious. Throughout the course of the investigation, J&J refused to tell Plaintiff exactly what the investigation entailed. Over time it became clear that J&J -was focusing its investigation on four items:

- a) J&J now questioned Plaintiff's involvement in development of a STEM program in the international school in Belgium that many of the children of J&J employees attended, including Plaintiff's son. Plaintiff was easily able to produce documents that showed that Plaintiff's superiors at J&J strongly encouraged Plaintiff to work on the program and that everything she did

for the program was encouraged and approved by Plaintiff's superiors at the time, Christopher Picariello and Joanne Waldstreicher, because it benefited J&J employees whose children attended the school and fostered good feelings toward J&J in Belgium. In fact, J&J has recently announced commitment to promoting the same education initiatives.

- b) J&J also questioned Plaintiff's giving fitbits to new employees. This allegation was equally ridiculous. Documents and witnesses showed that fitbits were distributed to each new employee as a continuation of a program started by Plaintiff's boss, Picariello, to support J&J's objective of having a healthy workforce. Plaintiff dutifully supported and encouraged this program started by her boss.
- c) J&J's petty retaliation also included questioning a fee charged for changing an airline ticket. Documents and witnesses showed that the questioned fee was due to a second change of plans **at the request of J&J**. Plaintiff had personally paid the change fee for the first change J&J had requested. In fact, Plaintiff received prior approval from the company to have J&J pay for the fee caused by the company's request. Picariello specifically discussed with Plaintiff and approved Plaintiff's expense report regarding the fee.
- d) Most ridiculous was J&J's retaliation in questioning the receipt for a meal three years prior to this retaliatory audit. Consistent with many prior years, on December 31, 2016, New Year's Eve, Plaintiff was working. Plaintiff's expense report included a receipt in the amount of \$181.94 for an end-of-

year dinner for Plaintiff and a few of her staff. Plaintiff was also back in the US on Home Leave from Belgium during this time, so-all meals were allowed to be expensed under her international assignment agreement.

68. The absurdly retaliatory nature of the J&J audit of Plaintiff's expenses after her complaints of discrimination and harassment is revealed by the pettiness and falsity of each and every audit item. Plaintiff successfully managed an \$85 million budget for 9 years in a row. Plaintiff worked for J&J for 25 years. In all that time, the best smear J&J could come up with was challenging a dinner with a couple members of her staff costing less than \$200 when Plaintiff was working on New Year's Eve. By investigating this trivial expense, J&J even went as far as to ignore its own internal policy which specifies that only expenses over \$1000 should be investigated.

69. In February of 2019, Plaintiff continued to seek help and advice from various executives and to record her complaints with HR. Instead of help, Plaintiff was repeatedly told to "keep your head down," "stop making waves and do what you're told," and that she "had no one to blame but herself" for the consequences of refusing to "fall in line." Plaintiff shared her concerns directly with Executive Committee (EC) and Group Operating Committee (GOC) members such as Jennifer Talbert, Paul Stoffels, and Kristen Mulholland. In retaliation for Plaintiff's complaints of discrimination and retaliation, J&J removed two departments from her leadership, shifting them to a colleague who had absolutely no experience in either area and whose Credo leadership scores were less than half that of Plaintiff's.

70. In further retaliation for her complaints of discrimination and retaliation, Plaintiff was removed from consideration for multiple positions in another sector of J&J that would

have been a meaningful transfer and would have allowed her to continue her 25-year career at J&J. Although J&J executives told Plaintiff that they wanted to help her, J&J requires absolute fealty and an almost cult-like adherence to retaliation against any employee who complains. For example, Kathy Wengel, a member of the Executive Committee told plaintiff: “Don’t worry, [Vice-Chair] Paul [Stoffels] and I have your back. We believe in you, Gina! I will move to create the right opening for you, if necessary.” Stoffels wrote to Plaintiff on February 22, 2019: “I’m committed to working on options internally. I’m convinced that you can bring a lot to the company.” They may have “believed in” plaintiff, but they certainly did not “have her back.” No transfer opportunities materialized. Plaintiff, an extraordinary performer for 25 years, was not offered any respite from the discriminatory, harassing and retaliatory environment.

71. J&J’s retaliatory, biased and unfair 2018 review of Plaintiff resulted in a pay cut of nearly \$90,000. In addition, Plaintiff’s year-end 2018 bonus fell below the low end of the target range set by the company. Only after Plaintiff complained about the retaliatory bonus in violation of the company’s own scale did Plaintiff receive a revised - but low - bonus.

72. Even after J&J agreed to give Plaintiff the revised bonus, Plaintiff had to follow-up repeatedly to actually receive it and, when it was processed, the revision was still incorrect, requiring another round of requests and yet another revision.

73. Also in retaliation for Plaintiff’s complaints of discrimination and harassment, Plaintiff was given the absolute lowest long-term incentive allocation possible for 2018. The allocation was, by far, the lowest of her career at J&J, impacting not only 2018, but future years’ earnings as well.

74. These retaliatory compensation decisions were made despite Plaintiff receiving an “exceeds” rating from Ms. Waldstreicher for the Enterprise portion of Plaintiff’s role, an important role which generated significant value for J&J.

75. These retaliatory compensation decisions were also made despite Plaintiff’s significant accomplishments. In reality, Plaintiff’s group exceeded the goals laid out for her, further evidenced by J&J’s recognition of the group’s accomplishments with a 115% bonus multiplier for 2018.

76. The retaliatory compensation decisions have had a significant impact on Plaintiff’s long-term future earnings/investment potential. It also impacted Plaintiff’s final pay calculation used to determine her base pension payments, retaliation she will continue to endure throughout the life of her pension.

77. On May 5, 2019, more than a year after Plaintiff’s initial complaints, J&J responded to Plaintiff’s numerous requests for an update by claiming to have “investigated” them. J&J refused to share any report or results of the alleged “investigation.” Plaintiff repeatedly asked for detailed results of the alleged “investigation,” but J&J only told Plaintiff that her (and her co-workers’) complaints were found “not credible.”

78. In blatant and shocking retaliation for Plaintiff’s complaints of harassment and discrimination, on the same day that Plaintiff was told by J&J that her complaints (and those of her co-workers) were not “found credible,” J&J threatened Plaintiff with termination. On May 5, 2019, Anne Martinson, legal counsel for J&J, said “Things in the financial audit do not look good. We believe there may be grounds for termination, should the report be finalized as it stands today. If Bilotti wants to consider an exit arrangement

which could include the retention of her pension, she would need to sign off on that now. If she waits, once that report is finalized, there will be no deals offered and she may lose her pension and medical benefits.” Plaintiff was extremely distressed by the threatened loss of her pension and medical benefits because she was only 10 months away from being eligible for early retirement. As a single mother, the threatened retaliatory loss of Plaintiff’s career and benefits was devastating.

79. Contrary to the retaliatory musings of J&J lawyer Martinson, the financial audit showed no wrongdoing. It was a baseless retaliatory investigation.

80. Throughout 2019, Plaintiff sought a position at J&J away from the sexist, discriminatory, harassing and retaliatory atmosphere to which she was being subjected. On August 28, 2019, Walter Offiah, VP of HR, offered Plaintiff a time-bound “Project Based Assignment” with a significantly reduced scope compared to Plaintiff’s prior role. The “project” had no direct reports and no budget. In her prior role, before she complained of discrimination, Plaintiff managed a group of 350 and a budget of \$85 million. The “project” position had an end date of February 3, 2020. If Plaintiff agreed to it, she was agreeing to end her career.

81. The stress of having her career end as a result of defendant’s discrimination, harassment and retaliation caused Plaintiff to become ill and, on her doctor’s advice, she took a disability leave on November 14, 2019.

82. While Plaintiff was on disability leave, and still an employee of J&J, she was mailed a box of some of her personal belongings. Awards she received for her many exceptional contributions over the years, including many made of glass, were thrown into a box and delivered to Ms. Bilotti shattered and broken. Opening that box and seeing the

awards which represented the highlights of her 25-year career shattered into pieces, made Ms. Bilotti feel as broken as its contents. This cruel act is but one example of the maliciousness of Defendant's treatment of Plaintiff in retaliation for her complaints of sex and sexual orientation discrimination & retaliation.

83. On May 14, 2020, Plaintiff's doctor released her to return to work. J&J responded by terminating Ms. Bilotti's employment.

84. By and through the extensive retaliation against Plaintiff, Defendant has violated the LAD which prohibits retaliation for complaining about or opposing discrimination. N.J.S.A. 10:5-12(d).

COUNT THREE

(Discrimination on the basis of sexual orientation in violation of the LAD)

85. Plaintiff repeats and incorporates by reference all preceding paragraphs of the Complaint as fully as though they were set forth herein at length.

86. In 2018, after Mammen's repeated pressure Plaintiff gave him access to her personal Facebook page. Once Mammen saw Plaintiff's Facebook page, he became aware that she is gay. Thereafter, Mammen began to treat Plaintiff dramatically differently. Mammen began to minimize contact with Plaintiff and began to interact with her in an abrupt and demeaning manner.

87. Snellgrove and Sarich were free to discriminate against, harass and retaliate against Plaintiff once Mammen became aware that Plaintiff is gay.

88. By and through these actions, Defendant has violated the LAD. Under the LAD, Plaintiffs are protected by law from being discriminated against in their employment on the basis of their sexual orientation. N.J.S.A. 10:5-12(a).

COUNT FOUR

(Violation of the LAD in Providing Plaintiff with Unequal Pay)

89. Plaintiff repeats and incorporates by reference all preceding paragraphs of the Complaint as fully as though they were set forth herein at length.

90. Defendant keeps its salary structure secret, but, upon information and belief, the following male executives had substantially similar job duties but were paid more than plaintiff: Rob Sackett, Mike Krams, Andreas Koesters, Troy Sarich, Andy Harris, and Werner Verbeist.

91. By and through these actions, Defendant has violated the LAD. Under the LAD it is an unlawful employment practice “for an employer to pay any of its employees who is a member of a protected class at a rate of compensation, including benefits, which is less than the rate paid by the employer to employees who are not members of the protected class for substantially similar work, when viewed as a composite of skill, effort and responsibility.” N.J.S.A. 10:5-12(t).

92. As a direct and proximate result of defendants’ wrongful conduct, Plaintiff has suffered, and continues to suffer, damages including lost pay and benefits, severe mental, physical and emotional distress, pain and suffering, anxiety, stress, humiliation, and personal physical injury and physical sickness.

WHEREFORE, cause having been shown, Plaintiff, Gina Bilotti, demands judgment in her favor against J&J, and the following relief:

- a) Economic damages for all back and future lost wages, compensation, lost income, fringe benefits, retirement and pension plans;
- b) Compensatory damages for pain, suffering, stress, humiliation, mental

anguish, emotional harm and personal physical injury and physical sickness, medical expenses, as well as damage to her reputation and loss of income stemming therefrom;

- c) All statutory fines, penalties and sanctions, including but not limited to treble damages under N.J.S.A. 10:5-13;
- d) Punitive damages;
- e) Attorneys' fees, pre- and post-judgment interest, reimbursement for the negative tax consequences of a judgment and costs of suit; and
- f) Such other relief as the Court may deem equitable and just.

SMITH MULLIN, P.C.
Attorneys for Plaintiff

BY: /s/ Nancy Erika Smith
NANCY ERIKA SMITH

Dated: December 17, 2020

JURY DEMAND

Plaintiff demands trial by jury with respect to all issues that are so triable.

SMITH MULLIN, P.C.
Attorneys for Plaintiff

BY: /s/ Nancy Erika Smith
NANCY ERIKA SMITH

Dated: December 17, 2020

DESIGNATION OF TRIAL COUNSEL

Plaintiff designates Nancy Erika Smith as trial counsel of record in this matter.

SMITH MULLIN, P.C.
Attorneys for Plaintiff

BY: /s/ Nancy Erika Smith
NANCY ERIKA SMITH

Dated: December 17, 2020

CERTIFICATION

Pursuant to New Jersey Court Rule 4:5-1, I hereby certify that to my knowledge, the matter in controversy is not and will not be the subject of any other litigation or arbitration in any court or before any body nor do I know of any other party who should be joined in this action.

SMITH MULLIN, P.C.
Attorneys for Plaintiff

BY: /s/ Nancy Erika Smith
NANCY ERIKA SMITH

Dated: December 17, 2020

Civil Case Information Statement

Case Details: ESSEX | Civil Part Docket# L-008645-20

Case Caption: BILOTTI GINA VS JOHNSON & JOHNSON

Case Type: LAW AGAINST DISCRIMINATION (LAD) CASES

Case Initiation Date: 12/17/2020

Document Type: Complaint with Jury Demand

Attorney Name: NANCY E SMITH

Jury Demand: YES - 6 JURORS

Firm Name: SMITH MULLIN, PC

Is this a professional malpractice case? NO

Address: 240 CLAREMONT AVENUE

Related cases pending: NO

MONTCLAIR NJ 07042

If yes, list docket numbers:

Phone: 9737837607

Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

Name of Party: PLAINTIFF : Bilotti, Gina

Are sexual abuse claims alleged by: Gina Bilotti? NO

Name of Defendant's Primary Insurance Company

(if known): Unknown

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? YES

If yes, is that relationship: Employer/Employee

Does the statute governing this case provide for payment of fees by the losing party? YES

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO **Title 59?** NO **Consumer Fraud?** NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*

12/17/2020

Dated

/s/ NANCY E SMITH

Signed