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VIA ECF

August 3, 2017

Hon. Katherine Polk Failla  
United States District Court  
Southern District of New York  
40 Foley Square, Courtroom 618  
New York, NY 10007-1312

Re: Matthew Christiansen v. Omnicom Group Inc. et al., 15 CV 3440 (KPF)

Dear Judge Failla:

I write in reply to Defendants' letter with respect to my request to lift the stay.

Defendant DDB improperly states the Second Circuit will take a few months to decide *Zarda*. Quite the opposite; it is more likely that it will take 6 months or more. Oral argument is scheduled September 26, 2017, so that is one month. It is impossible that a decision will appear in October, 2017 as Defendants claim. They also claim that sexual orientation and sex stereotyping are "fundamentally different legal theories", but they never explain the difference. The reality is that under sex stereotyping Christiansen will prove that but for his sex as a male he was discriminated against because he did not fit the male stereotype. The same exact discovery regarding his sexuality is relevant based on sexual orientation discrimination. Again, it is but for his sex as a male that he was discriminated. We know that he is a gay male, so his sexuality will surely be a discovery issue in either cause of action. Therefore, all parties will ask about his sexuality in either case where the same set of facts apply. If the causes of action were fundamentally different as Defendants claim then they would have explained the difference, but they did not.

In a footnote Defendants reference the DOJ's amici brief argues against the EEOC. That is irrelevant here and likely the basis of the footnote. Nevertheless, the DOJ is not the agency responsible for enforcing Title VII - the EEOC is. Also, the DOJ brief insists that only Congress can change Title VII. However, the *Christiansen* Circuit briefs prove that the courts interpret that law and *Hively* holds the same. Also, members of Congress provided amici confirming that in the *Christiansen* Circuit case.

Last, Defendants misrepresent that no one left their employ. Indeed, and Defendants cannot deny, that most of the employee fact witnesses, including the human resources employees at the time, have left DDB over a year ago. Also, undeniably, CEO Defendant Hempel left since we filed.

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Finally, I spoke to Defendant Cianciotto's counsel the other day and I understood him to confirm that Defendant Cianciotto is somewhere down south now. So we do need to start locking down witnesses and scheduling depositions before more relocate.

I respectfully request that the Court lift the stay as there is no prejudice to any party to exchange initial R. 26 discovery and proceed with a scheduling conference for motions and discovery.

Very truly yours,  
LAW OFFICES OF SUSAN CHANA LASK

/s Susan Chana Lask

SUSAN CHANA LASK