

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

Megan Milo
6030 Daybreak Circle
Clarksville, MD 21209

Plaintiff,

v.

CyberCore Technologies, LLC
Meadowridge Business Park
6605 Business Parkway
Elkridge, Maryland 21075

and

Northrup Grumman Corporation
2980 Fairview Park Drive
Falls Church, Fairfax County, Virginia

Defendants.

Case No. 1:18-cv-03145 (SAG)

**First Amended Complaint
and Jury Demand**

PRELIMINARY STATEMENT

1. This is an action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et seq. (“Title VII”), and Title I of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.
2. Plaintiff, Ms. Megan Milo, experienced escalating and unrelenting discrimination, harassment and a hostile work environment because of sex by employees, supervisors, and managers of Defendants Northrop Grumman Corporation (“Northrop”) and CyberCore Technologies, LLC (“CyberCore”), as set forth below.
3. Plaintiff was subjected to retaliation because of her complaints to Defendants regarding the discrimination, harassment and hostile work environment because of sex.

4. This severe and escalating discrimination, harassment, and retaliation included but was not limited to:
 - a. Being intentionally referred to by male pronouns and titles with the purpose and effect of humiliating Ms. Milo;
 - b. Sexual harassment;
 - c. Disparaging comments and conduct;
 - d. Failure to correct her name in employment records and publicly accessible records and displays;
 - e. Hostility that impaired her access to facilities;
 - f. Unfair discipline;
 - g. Repeated complaints to supervisors and management that led to no prompt and effective corrective actions;
 - h. Retaliation from management;
 - i. Hostile work environment; and
 - j. Retaliatory hostile work environment.

PARTIES

1. Plaintiff Megan Milo (“Ms. Milo”), of 6030 Daybreak Circle, Clarksville, MD 21029, is a competent adult resident of Maryland.
5. Defendant CyberCore has a principal office address at Meadowridge Business Park, 6605 Business Parkway, Elkridge, Howard County, Maryland 21075.
6. CyberCore has continuously been doing business in the state of Maryland during all times pertinent to this action, and has continuously employed at least fifteen (15) employees.
7. Defendant Northrop has a principal office address at 2980 Fairview Park Drive Falls Church, Fairfax County, Virginia 22042.

8. Northrop has continuously been doing business in the state of Maryland during all times pertinent to this action, and has continuously employed at least fifteen (15) employees.
9. Plaintiff worked as an employee of Defendants in Annapolis Junction, Anne Arundel County, Maryland.
10. At all relevant times, Defendant CyberCore has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. § § 2000e(b), (g) and (h).
11. At all relevant times, Defendant Northrop has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. § § 2000e(b), (g) and (h).
12. Plaintiff resides in the State of Maryland.
 2. All events relevant to this action occurred at the Defendants' facility in Annapolis Junction, Anne Arundel County, Maryland

PROCEDURAL HISTORY

13. Plaintiff filed a charge of discrimination with the Equal Employment Opportunity Commission ("EEOC" or "Commission") alleging violations of Title VII, including discrimination based on sex, disability, retaliation, hostile work environment, and retaliatory hostile work environment, by Defendants on or about August 28, 2014.
14. Upon information and belief, the EEOC provided Defendants with notice of the charges of discrimination.
15. The EEOC investigated the charges of discrimination.
16. Plaintiff received a Notice of Right to Sue from the EEOC notifying her of her right to bring suit, and she has filed suit within 90 days of receipt of the notice.

17. Plaintiff took all necessary steps to fulfill all conditions precedent to the commencement of this lawsuit.

JURISDICTION AND VENUE

18. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 because the action is based on Title VII of the Civil Rights Act and pursuant to 28 U.S.C. § 1337 because the action is based on a federal statute regulating commerce.

19. Venue is proper in the United States District Court for the District of Maryland pursuant to 28 U.S.C. §§ 1391(b)(2) because a substantial part of the unlawful employment practices are alleged to have been committed within the jurisdiction of the District of Maryland.

20. Venue is proper pursuant to 42 U.S.C. § 2000e-5(f)(3) because the unlawful employment practices are alleged to have been committed within the jurisdiction of the District of Maryland.

FACTS

21. Plaintiff, Ms. Megan Milo is a female citizen of the United States.

22. Ms. Milo has a feminine gender expression.

23. Ms. Milo is a woman who is transgender.

Sex, Gender, Gender Expression, and Gender Identity

24. *Sex* is a term that includes gender and gender expression within its meaning.

25. *Sex stereotyping* refers to the application by an employer of stereotypes related to sex to restrict, disparage, or discriminate on the basis of an employee' s gender expression or identity.

26. *Gender* refers to cultural expectations specific to the sexes.

27. *Gender expression* refers to a person' s gender-related appearance and behavior, whether or not stereotypically associated with the person' s sex assigned at birth.

28. It is appropriate to refer to a transgender woman who has transitioned with female titles, honorifics (e.g., Miss, Ms., or Mrs.), and pronouns (e.g., her, hers, and she).

Employment with Defendants

29. On or about December 1, 2012, Plaintiff, Ms. Megan Milo, was hired by Defendants as a Senior Software Engineer at their facility in Annapolis Junction, Anne Arundel County, Maryland.
30. Both Defendants approved Ms. Milo's hire.
31. Ms. Milo was promoted to Task Lead on or about February 2013.
32. On or about March 28, 2013, Ms. Milo began living full-time as female.
33. The office in which she worked was a space shared by CyberCore, Northrop, Northrop's contractors, and federal agencies.
 3. Ms. Milo was the only CyberCore personnel at this location.
 4. Ms. Milo's managers were employees of Northrop, and her co-workers were employees of other subcontractors.
34. There was significant contact among CyberCore, Northrop, contractors and federal government workers and managers.
35. Both Northrop and CyberCore shared control of the terms and conditions of her employment.
36. This included the means and manner of employment, such as shared office space, equipment, time accounting and charging, documents, work assignments, work schedule, directions regarding the work, and evaluation of the work.
37. Northrop interviewed Ms. Milo prior to hiring, had to agree to her being hired in order for her to come on board, conducted quarterly reviews of her work, received and approved charge code number sheets from her, and approved her paychecks against Northrop's time sheets.
38. Northrop's representative would come into Ms. Milo's office to discuss contract issues and personnel matters.
39. Northrop also talked to CyberCore staff as a whole about upcoming layoff, project funding, and upcoming work.

40. In addition, Northrop had a role in imposing a probationary period on Ms. Milo.
41. As detailed below, Northrop told CyberCore to terminate Ms. Milo's employment.
42. CyberCore terminated Ms. Milo's employment at the behest of Northrop.
43. Prior to Ms. Milo's gender transition on March 28, 2013, managers from CyberCore, Northrop, and the federal government held a meeting, in which they explained to everyone on the floor that she would be transitioning to the female sex, that she would use "she" and "her" pronouns, and that she should be treated with dignity and respect.
44. Employees, agents and contractors of CyberCore and Northrop and federal government workers and managers chose to ignore this directive, exhibiting bias by words and actions based on Ms. Milo's sex, gender and gender expression, and engaged in harassing conduct against Ms. Milo because of her sex, gender and gender expression.
45. During the 10 month period that followed her gender transition, Ms. Milo was consistently humiliated and outraged by the fact that her expertise as a software engineering expert was invalidated practically every day because of her gender expression, her inability to receive respect from her colleagues as a result of that, the complaints she was forced to make about her problems with co-workers and managers, the complete stonewalling she faced in response to her complaints, and the discipline humiliatingly forced upon her because she complained about her treatment and wanted respect, which was treated as a problem with her department.
46. Here are some examples of the discriminatory conduct.
 - a. When she had first discussed transition with Ray Wise, a federal government manager with supervisory power over Ms. Milo, he asked if she would be wearing dresses when she transitioned to living as a female.
 - b. He indicated dismay at her affirmative indication of choice of gendered attire, based

on his bias against someone whom he considered to be male wearing attire that he considered to be female.

- c. Wise and other male managers and co-workers began to misgender Ms. Milo in order to diminish her gender and gender expression.
- d. This effort to diminish her gender and gender expression was confirmed for her when, at a meeting, she was told by a male co-worker who worked with and at the direction of Northrop that she wore her heels “too high.”
- e. Some time in the beginning of April, 2013, it was very hot, and Ms. Milo wore a skirt to the office. Ms. Anderson, a CyberCore manager, told her that her skirt was too short and was “bothering people.” As she was explaining this to her in the lobby, she pointed out another female employee whose skirt was much shorter than hers. Ms. Anderson responded, “Well that doesn’t matter. She doesn’t work for me, you do.”
- f. In or around March 2013, Theresa Olson, who worked with and at the direction of Northrop, told Ms. Milo that she “hated” transgender people. She explained this was because her ex-husband was transgender. Ms. Milo reported this to Ms. Anderson in or around June 2013.
- g. In or about June 2013, she had a discussion with a male co-worker, Rob Nelson, who worked with and at the direction of Northrop, about a work matter that was slightly contentious. Both of them argued with each other about the matter. Afterwards, Ms. Milo was corrected by Ray Wise, the Office Manager, who worked with the Department of Defense as the government program manager, who had managerial power over Mr. Nelson and Ms. He told Ms. Milo that she

should not have argued with Mr. Nelson, and that her arguing with him violated policy. Mr. Nelson, who had argued with her equally loudly, was not corrected.

This issue later showed up on Ms. Milo's Performance Improvement Plan.

- h. A manager, Tom Morehead, who worked with and at the direction of Northrop, through L3 Communications, was a witness to the misgendering by Alex Davis, who worked with and at the direction of Northrop, and Brenda Anderson, who worked for CyberCore. On or about Sept 2013, Mr. Morehead told Ms. Milo that she needed to "lay low" because he knew that she was being targeted, and that if she were to complain, she would be in worse trouble.
- i. Mr. Morehead was correct, because Alex Davis brought a complaint against her to his HR. The basis of the complaint was that he was "walking on eggshells" around her because she asked to be called by her proper female name and female pronouns.
- j. On or about October 15, 2013, her CyberCore supervisor Brenda Anderson, Northrop representative Jeremy Knapp, Northrop's HR manager, and the federal government program manager met with Ms. Milo, and put her on 30-day probationary period based on Mr. Davis' complaint.
- k. Although Ms. Milo explained that Mr. Davis' s conduct was discriminatory, and requested as an accommodation that the misgendering and other poor treatment stop, Mr. Knapp said "What you think really doesn' t matter."
- l. As part of the probationary period, a "Performance Improvement Plan" (PIP) was issued by CyberCore and by Northrop that stated as a reason "interaction with coworkers is causing Megan to perform at a subpar level." Ms. Milo was

told that she needed to address the following, among other things, which all related to her concerns and complaints regarding discrimination:

- i. “Do not complain in public forums....Creating an environment of discontent is not acceptable or productive.”
- ii. “Treat all customers and coworkers with respect.”
- iii. “Northrop Grumman management recognizes that there are extenuating circumstances, but Megan must extend the same understanding and latitude to her coworkers that she expects for herself. The team is walking on eggshells in fear of creating a perceived slight or offense.

47. In fact, Ms. Milo was cordial and courteous to her co-workers regarding her gender transition, and in requesting that they use her correct name, title (Ms.) and pronouns (she and her).

48. She bore their errors in addressing her as female with good grace and gentle correction.

49. In fact, it was Mr. Davis who was intentionally discourteous to Ms. Milo, in refusing to use her correct name, title and pronouns, and in making derogatory comments about her sex.

50. The statements in the PIP show that it was designed and intended to, and had the effect of, imposing discipline against Ms. Milo because of her complaints about discrimination based on her sex, gender and gender expression.

51. These statements also show that Ms. Milo’s requested accommodations were ignored.

52. These statements also show that the PIP was designed to regulate her gender expression.

53. During the PIP, and as a result of the PIP, she wore no heels, only maxi skirts, and very conservative tops, in addition to keeping her head very low.

54. This hostile environment interfered with her ability to perform her job duties, by disrupting her relationship to her co-workers and managers, by the unreasonable criticism and scrutiny of her gender which flowed directly from the failure of CyberCore and Northrop to take any action to stop it despite her complaints, her need to spend many hours on otherwise unnecessary grievance processes and other ways of trying to get this treatment to stop, like endlessly thinking about who was on her side and who was not, and talking endlessly with her few supporters how to present as small a target as possible.
55. These hostile events based on gender required that Ms. Milo had to be concerned every day that she was on the job and every morning when she got dressed whether someone would criticize her dress, despite the fact that other women were wearing the same thing.
56. Anderson's comment, set forth above, when she pointed out another female employee whose skirt was much shorter than Ms. Milo's, "Well that doesn't matter. She doesn't work for me, you do" was an assertion of authority over Ms. Milo's dress that went well beyond simply a manager's concern for appropriate business attire.
57. Ms. Anderson scrutinized Ms. Milo's attire every day.
58. Milo also had to scrutinize and analyze her gender expression every day, with no criteria, not knowing whether it would violate Ms. Anderson's unstated beliefs about how she should dress.
59. She complained to Ms. Anderson in or about June 2013 that Theresa Olson, who knew that she is transgender, told her that she "hated" transgender people.
60. In response, Ms. Anderson said nothing and did nothing about this statement hostile to her gender and gender expression. This also contributed to the hostile work environment.
61. Milo also notified Ms. Anderson on many occasions of the constant harassment she was experiencing on the job from people in the employ of Northrop and others onsite.

62. She was told by Ms. Anderson that CyberCore had anti-harassment policies that meant it was concerned with her treatment on the job by whomever, regardless of employer, and that she would be supported in ensuring that she had a positive workplace environment.
63. Despite this explicit promise, CyberCore did not protect her from hostility based on her gender by other workers and managers in the workspace, despite the fact that Anderson and CyberCore were aware of the extensive harassment Ms. Milo was receiving, thereby ratifying and condoning this gender-based hostility.
64. In conjunction with all of the negative events regarding her gender every day, ignoring her pleas for help, and the criticisms of her demeanor because of her complaints and being insufficiently deferential to the male employees, Ms. Anderson's statements, acts and failures to act constituted an assertion of authority over Ms. Milo's gender and gender expression.
65. Ms. Anderson's statements, acts and failures to act constituted an assertion that Ms. Milo did not know how to dress as a woman, and implied that she did not dress appropriately because she was not a woman in her eyes.
66. Ms. Milo felt humiliated every day she had to work with Ms. Anderson because Ms. Anderson made it clear by her statements, acts and failures to act, and by her tone of voice, looks and gestures, that Ms. Milo was not a woman in her eyes, and that she had authority over Ms. Milo's gender expression based on her stereotypes of what a woman should be.
67. As a result of this hostile work environment, Ms. Milo was forced to spend many hours talking to mental health professionals about her increasing fear, humiliation and emotional distress that permeated her work environment.
68. She wrote notes about events in her life in a diary, in an attempt to process her increasing emotional distress. She noted some of the negative events relating to her gender, such as daily

misgendering – being called by the wrong name or pronouns, people referring to her gender in a negative way on a daily basis, references to sex stereotypes on a daily basis, and efforts by her to avoid harassment on a daily basis.

69. Many people did, in fact, begin to consistently use the correct name or pronoun within a matter of weeks. But there were still holdouts, and this continued regularly, several times a week, until the end of her employment almost a year later.

70. She was subjected to negative events relating to her gender every day, and noted some of the more memorable events in her diary on over 35 dates during April through December 2013, as well as dates in 2014.

71. As a result of the Performance Improvement Plan, which threatened her job if she complained further, and the failure of CyberCore and Northrop to take prompt and effective action based on her complaints, Ms. Milo ceased her complaints regarding discriminatory treatment

72. After 30 days, around the end of November, Ms. Anderson confirmed that she had spoken to Northrop, and that she was no longer on probation.

73. During the month of February, 2014, Ms. Milo spoke to Mr. Davis again about the misgendering.

74. At about that time, Ms. Olson spoke with a representative of Northrop regarding Ms. Milo's employment.

75. Upon information and belief, at this meeting Northrop requested Ms. Milo's termination.

76. On February 28, 2014, Ms. Anderson called Ms. Milo into a meeting and terminated her.

77. She said that she could either take a layoff, or be fired because of her "bad attitude."

78. By “bad attitude,” Ms. Anderson was referring to Ms. Milo’s complaints about discrimination.
79. Ms. Anderson said, “Take the layoff because it won’t look as bad.”
80. Ms. Anderson also advised Ms. Milo that if she were terminated, she would never be able to work in the Intelligence Community again.
81. She then handed her a letter from CyberCore that stated that she was being laid off.
82. No one else was “laid off.”
83. Ray Wise, a federal employee, had secured funding earmarked for Ms. Milo
84. Northrup intentionally moved this money off the contract in order to terminate her.
85. The conduct referenced in all previous paragraphs was unwelcome to Ms. Milo.
86. A reasonable woman in Ms. Milo’s position would have been offended by this conduct, and Ms. Milo was hurt by it.
87. Defendants CyberCore and Northrop were aware of said conduct because Ms. Milo notified them of it, and managers and supervisors participated in it, and ratified it and condoned it by taking no prompt and effective action to stop it despite their awareness of it.
88. The Defendants took no prompt and effective action regarding to stop the discriminatory and harassing conduct.
89. This conduct constituted harassment and a hostile work environment because of sex.
90. Because this conduct occurred in front of and by supervisors and managers, Defendants CyberCore and Northrop were on notice of the harassment of Ms. Milo, and the hostile work environment directed against her.
91. Defendants’ workplace policies did not offer Ms. Milo meaningful protection from the kind of hostilities at issue.

92. Defendants did not maintain policies that expressly prohibited discrimination against persons such as Ms. Milo in the workplace.
93. Defendants did not meaningfully enforce their policies with regard particularly to Ms. Milo.
94. Defendants' purported nondiscriminatory rationale for Ms. Milo' termination—that she was “laid off,” – is implausible, not worthy of credence, and not honestly asserted as a legitimate, non-discriminatory reason for termination.
95. Although Ms. Milo requested to be informed of other openings with Defendant CyberCore, and she was promised that she would be informed of openings, CyberCore informed her there were no openings, and never informed her of any further openings.
96. The Defendants' purported nondiscriminatory rationale for Ms. Milo' s termination was based on sex and gender stereotypes and bias-based beliefs about transgender people and about sex and gender.
97. This disparate treatment in terminating Ms. Milo also constituted harassment, contributed to the hostile work environment, and was retaliatory in nature.
98. Upon information and belief, no investigation was conducted of Mr. Davis' s discriminatory and harassing conduct, and he was not terminated.
99. The very different treatment of Ms. Milo and her complaints by Defendants in comparison to other complainants regarding harassment and discrimination demonstrates disparate treatment against Ms. Milo because of her sex.
100. Shortly after her “layoff,” a person outside of Ms. Milo' s protected category was hired for the same job duties that Ms. Milo had previously been performing.

CAUSES OF ACTION

COUNT 1

42 U.S.C. § 2000e, et seq.

Hostile Work Environment Because of Sex Against Defendants CyberCore and Northrup

101. Plaintiff Ms. Milo incorporates by reference all previous paragraphs as if fully set forth herein.
102. Ms. Milo is a member of a protected category with regard to sex.
103. Ms. Milo is and was qualified to perform the job for which she was employed by Defendants.
104. Defendant CyberCore brought Plaintiff into a working environment that included others working for Defendant Northrop, Northrop's contractors, and for the federal government.
105. Defendant CyberCore had an obligation to ensure that Plaintiff's working environment was free of harassment based on sex, sex stereotyping, gender and gender expression, regardless of whether that harassment came from its own employees or employees of other employers.
106. CyberCore was aware of the harassment directed against Plaintiff by its own employee and the employees of other employers.
107. CyberCore condoned, ratified, and participated in the harassment directed against Plaintiff by the employees of other employers.
108. After Ms. Milo's transgender status was disclosed to her coworkers, supervisors, and managers, Defendants' managers and employees instituted a campaign of harassment and discrimination on the basis of sex and sex stereotyping, including gender, and gender expression, and adopted adversarial attitudes and hostile demeanors.
109. This harassment was frequent, severe and pervasive, physically threatening, and continued until Ms. Milo's discharge by Defendant CyberCore.
110. Ms. Milo was targeted for harassment and subjected to a hostile work environment by managers and employees of Defendants because of her sex and sex stereotyping, including gender and gender expression.

111. The discriminatory acts involved the same type of employment actions, occurred frequently, were perpetuated and/or directed by the same core group of managers and employees, were egregious, numerous and concentrated, and formed part of the same hostile work environment, as detailed herein.
112. The discriminatory acts were unwelcome to Ms. Milo.
113. Discriminatory intimidation, ridicule, and insult permeated the work environment of Defendants, and was sufficiently severe or pervasive to alter the conditions of Ms. Milo's employment and to create an abusive working environment, as detailed herein.
114. Defendants' managers and employees made statements that demeaned Ms. Milo's sex, gender and gender expression, as detailed herein.
115. Defendants' managers denied the legitimacy of Ms. Milo's female gender and feminine gender expression, and encouraged and/or failed to stop others under their direction from doing the same.
116. This hostile environment unreasonably interfered with Ms. Milo's ability to perform her job duties, by disrupting her relationship to her employers and management, by the unreasonable criticism and scrutiny of Ms. Milo's gender which flowed directly from Defendants' failure to take prompt and effective action to stop the hostile work environment, by Ms. Milo's need to spend many hours on otherwise unnecessary grievance processes and other means of seeking relief, and her reasonable fear of her environment, amongst other reasons, and created working conditions intolerable to a reasonable person.
117. The effects of the hostile environment alleged herein were felt by Ms. Milo daily.
118. For instance, Ms. Milo felt humiliation and despair as a result of her reasonable fear of continued harassment at any moment, her being referred to continually and intentionally by the wrong name and wrong gender references, and the hostility she encountered.
119. Many events contributing to this hostile work environment occurred within the 300-day period prior to Ms. Milo's first EEOC charge.
120. Ms. Milo perceived the working environment to be abusive or hostile.

121. A reasonable woman in Ms. Milo's circumstances would consider the working environment to be abusive or hostile.
122. Defendants' actions occurred because of Ms. Milo's sex, in that she was female, but Defendants regarded her as male.
123. She would not have been the object of harassment but for her gender.
124. As a direct and proximate result of Defendants' unlawful discrimination, Ms. Milo incurred damages including but not limited to lost wages, humiliation, loss of enjoyment of life, emotional distress, damage to her professional reputation, and other pecuniary and non-pecuniary losses, which damages would not have occurred but for Defendants' unlawful hostile work environment.
125. Defendants acted intentionally or recklessly in regard to Ms. Milo's federally protected rights, for which she seeks punitive damages.

COUNT 2

42 U.S.C. § 2000e, et seq.

Termination Because of Sex Against Defendants CyberCore and Northrop

126. Plaintiff Ms. Milo incorporates by reference all previous paragraphs as if fully set forth herein.
127. Defendants CyberCore and Northrop were joint employers of Plaintiff.
128. As set forth above in detail, both CyberCore and Northrop had authority to hire and fire individuals such as Ms. Milo.
129. As set forth above in detail, both CyberCore and Northrop engaged in day-to-day supervision of Ms. Milo, including employee discipline.
130. As set forth above in detail, both CyberCore and Northrop furnished equipment used and the place of work.

131. As set forth above in detail, both CyberCore and Northrop had possession of and responsibility over the Ms. Milo's employment records.
132. As set forth above in detail, Ms. Milo worked with CyberCore and Northrop for a substantial length of time.
133. Defendants CyberCore and Northrop Grumman terminated Plaintiff because of sex, sex stereotyping, gender, and gender expression.
134. Defendant Northrop terminated Plaintiff because of sex, sex stereotyping, gender, and gender expression.
135. CyberCore also terminated Plaintiff because Northrop requested and demanded that it do so.
136. Defendant Northrop, by its agents and employees, demanded the termination of Plaintiff, and by so doing, intended to bring about the termination of Plaintiff, because of sex, sex stereotyping, gender, and gender expression.
137. CyberCore was aware that Northrop and its personnel held bias against Ms. Milo because of bias based on sex, sex stereotyping, gender, and gender expression.
138. CyberCore was aware that Northrop, in demanding of CyberCore that Ms. Milo be terminated, was motivated, in whole or in part, because of bias based on sex, sex stereotyping, gender, and gender expression.
139. As a direct and proximate result of Defendants' illegal discharge of Ms. Milo, Ms. Milo has incurred damages including but not limited to lost wages, humiliation, loss of enjoyment of life, damage to her professional reputation, and other pecuniary and non-pecuniary losses.
140. Defendants CyberCore and Northrop acted intentionally or recklessly in regard to Ms. Milo's federally protected rights, for which she seeks punitive damages.

COUNT 3
42 U.S.C. § 2000e, et seq.
Retaliation Against Defendants CyberCore and Northrop

141. Plaintiff Ms. Milo incorporates by reference all previous paragraphs as if fully set forth herein.
142. As set forth above in detail, both CyberCore and Northrop were joint employers of Ms. Milo.
143. As set forth above in detail, the effect of the actions of both CyberCore and Northrop was to deprive Ms. Milo of equal employment opportunities as an employee because of retaliation for her complaints of discrimination in violation of Title VII and Title I of the Civil Rights Act of 1991.
144. Plaintiff made complaints to Defendants CyberCore and Northrop about her reasonable and good faith belief that she had been subjected to discrimination by Defendants CyberCore and Northrop.
145. By complaining to Defendants and Defendants' managers about her reasonable and good faith belief in the occurrence of discriminatory practices and hostile work environment described herein, and opposing said practices and hostile work environment directed at herself, Ms. Milo engaged in activities protected by Title VII, whether or not such discriminatory practices and hostile work environment is ultimately found to have occurred.
146. Ms. Milo's exercise of protected rights was known to Defendants, because her complaints were made to both Defendants during her employment.
147. But for Ms. Milo's exercise of protected rights, she would not have been terminated by Defendants.

148. The actions taken against Ms. Milo would dissuade a reasonable employee from making or supporting a complaint of discrimination.
149. By engaging in the conduct described above, Defendants intentionally retaliated against Ms. Milo with malice or reckless indifference to Ms. Milo's federally protected rights to oppose practices that are prohibited by Title VII.
150. By engaging in the conduct described above, Defendants subjected Ms. Milo to a retaliatory hostile work environment.
151. As a direct and proximate result of Defendants' unlawful retaliation, Ms. Milo has incurred damages including but not limited to lost wages, humiliation, loss of enjoyment of life, damage to her professional reputation, and other pecuniary and non-pecuniary losses.
152. Defendants CyberCore and Northrop acted intentionally or recklessly in regard to Ms. Milo's federally protected rights, for which she seeks punitive damages.

JURY DEMAND

153. Plaintiff hereby demands a trial by jury of all issues triable by a jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Ms. Megan Milo respectfully requests that this Court:

- A. Declare that the acts, practices, and omissions complained of herein are unlawful and violate Title VII;
- B. Permanently enjoin Defendants, their officers, agents, servants, employees, attorneys, and all persons in active concert or participation with them from engaging in the unlawful conduct of discriminating against employees who are transgender and/or who have

undergone or are undergoing a gender transition, or who are associated with employees who are transgender and/or have undergone or are undergoing a gender transition;

- C. Order Defendants to institute and carry out policies, practices, programs, and training which provide equal employment opportunities for employees who are transgender, have undergone a gender transition, or are undergoing a gender transition, and which eradicate the effects of Defendants' past and present unlawful employment practices;
- D. Reinstate Plaintiff to her position;
- E. Order other affirmative relief necessary to eradicate the effects of Defendants' unlawful employment practices;
- F. Direct Defendants to pay Ms. Milo for past and future pecuniary losses resulting from the unlawful practices complained of in the foregoing paragraphs;
- G. Direct Defendants to pay Ms. Milo for past and future non-pecuniary losses resulting from the unlawful practices complained of in the foregoing paragraphs, including humiliation, loss of enjoyment of life, damage to her professional reputation, and other non-pecuniary losses in an amount to be determined at trial;
- H. Direct Defendants to pay Ms. Milo punitive and special damages for its intentional or reckless conduct described in the foregoing paragraphs, in an amount to be determined at trial;
- I. Award Ms. Milo attorneys' fees, costs, and disbursements as provided by law; and
- J. Award such additional relief as justice may require.

Dated: October 10, 2019

Respectfully submitted,

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

Megan Milo
6030 Daybreak Circle
Clarksville, MD 21209

Plaintiff,

v.

CyberCore Technologies, LLC
Meadowridge Business Park
6605 Business Parkway
Elkridge, Maryland 21075

and

Northrup Grumman Corporation
2980 Fairview Park Drive
Falls Church, Fairfax County, Virginia

Defendants.

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and Jury Demand**

PRELIMINARY STATEMENT

1. This is an action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et seq. (“Title VII”), and Title I of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.
2. Plaintiff, Ms. Megan Milo, experienced escalating and unrelenting discrimination, harassment and a hostile work environment because of sex by employees, supervisors, and managers of Defendants Northrop Grumman Corporation (“Northrop-~~Grumman~~”) and CyberCore Technologies, LLC (“CyberCore”), as set forth below.
3. Plaintiff was subjected to retaliation because of her complaints to Defendants regarding the discrimination, harassment and hostile work environment because of sex.

1.4. This severe and escalating discrimination, harassment, and retaliation included but was not limited to:

- a. Being intentionally referred to by male pronouns and titles with the purpose and effect of humiliating Ms. Milo;
- b. Sexual harassment;
- c. Disparaging comments and conduct;
- d. Failure to correct her name in employment records and publicly accessible records and displays;
- e. Hostility that impaired her access to facilities;
- ~~f.~~ Unfair discipline;
- ~~e.g.~~ Repeated complaints to supervisors and management that led to no prompt and effective corrective actions;
- ~~f.h.~~ Retaliation from management;
- ~~g.i.~~ Hostile work environment; and
- ~~h.j.~~ Retaliatory hostile work environment.

PARTIES

2.1. Plaintiff Megan Milo (“Ms. Milo”), of 6030 Daybreak Circle, Clarksville, MD 21029, is a competent adult resident of Maryland.

3.5. Defendant CyberCore has a principal office address at Meadowridge Business Park, 6605 Business Parkway, Elkridge, Howard County, Maryland 21075.

4.6. CyberCore has continuously been doing business in the state of Maryland during all times pertinent to this action, and has continuously employed at least fifteen (15) employees.

5.7. Defendant Northrop has a principal office address at 2980 Fairview Park Drive Falls Church, Fairfax County, Virginia 22042.

6.8. Northrop has continuously been doing business in the state of Maryland during all times pertinent to this action, and has continuously employed at least fifteen (15) employees.

7.9. Plaintiff worked as an employee of Defendants in Annapolis Junction, Anne Arundel County, Maryland.

~~8~~10. At all relevant times, Defendant CyberCore has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. § § 2000e(b), (g) and (h).

~~9~~11. At all relevant times, Defendant Northrop has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. § § 2000e(b), (g) and (h).

~~10~~12. Plaintiff resides in the State of Maryland.

~~11~~2. All events relevant to this action occurred at the Defendants' facility in Annapolis Junction, Anne Arundel County, Maryland

PROCEDURAL HISTORY

~~12~~13. Plaintiff filed a charge of discrimination with the Equal Employment Opportunity Commission ("EEOC" or "Commission") alleging violations of Title VII, including discrimination based on sex, disability, retaliation, hostile work environment, and retaliatory hostile work environment, by Defendants on or about August 28, 2014.

~~13~~14. Upon information and belief, the EEOC provided Defendants with notice of the charges of discrimination.

~~14~~15. The EEOC investigated the charges of discrimination.

~~15~~16. Plaintiff received a Notice of Right to Sue from the EEOC notifying her of her right to bring suit, and she has filed suit within 90 days of receipt of the notice.

~~16~~17. Plaintiff took all necessary steps to fulfill all conditions precedent to the commencement of this lawsuit.

JURISDICTION AND VENUE

~~17~~18. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 because the action is based on Title VII of the Civil Rights Act and pursuant to 28 U.S.C. § 1337 because the action is based on a federal statute regulating commerce.

~~18.~~ Venue is proper in the United States District Court for the District of Maryland pursuant to 28 ~~19.~~ U.S.C. §§ 1391(b)(2) because a substantial part of the unlawful employment practices are alleged to have been committed within the jurisdiction of the District of Maryland.

~~19.20.~~ Venue is proper pursuant to 42 U.S.C. § 2000e-5(f)(3) because the unlawful employment practices are alleged to have been committed within the jurisdiction of the District of Maryland.

FACTS

~~20.21.~~ Plaintiff, Ms. Megan Milo is a female citizen of the United States.

~~21.~~ Ms. Milo has a female gender identity.

22. Ms. Milo has a feminine gender expression.

23. Ms. Milo is a woman who is transgender.

Sex, Gender, Gender Expression, and Gender Identity

24. Sex is a term that includes gender, ~~gender expression~~, and gender ~~identity~~ expression within its meaning.

25. Sex stereotyping refers to the application by an employer of stereotypes related to sex to restrict, disparage, or discriminate on the basis of an employee's gender expression or identity.

26. Gender refers to cultural expectations specific to the sexes.

27. Gender expression refers to a person's gender-related appearance and behavior, whether or not stereotypically associated with the person's sex assigned at birth.

~~28. Gender identity refers to a person's internal sense of sex, being male, female, or other.~~

~~29. Gender identity is intractably rooted at a very early age and cannot be changed.~~

~~30. Transgender individuals are people who have a gender identity that does not match the sex they were assigned at birth.~~

~~31. Gender transition. Transgender individuals often seek out legal, social, and medical means of aligning external manifestations of their sex and gender with their gender identity. This process is colloquially known as gender transition or transition.~~

~~32. Discrimination against transgender people for being transgender is based on their sex, sex stereotyping, gender, gender expression, and gender identity.~~

~~33.28.~~ It is appropriate to refer to a transgender woman who has transitioned with female titles, honorifics (e.g., Miss, Ms., or Mrs.), and pronouns (e.g., her, hers, and she).

Employment with Defendants

~~34.29.~~ On or about December 1, 2012, Plaintiff, Ms. Megan Milo, was hired by Defendants as a Senior Software Engineer at their facility in Annapolis Junction, Anne Arundel County, Maryland.

~~35.30.~~ Both Defendants approved Ms. Milo's hire.

~~36.31.~~ Ms. Milo was promoted to Task Lead on or about February 2013.

~~37.32.~~ On or about March 28, 2013, Ms. Milo began living full-time as female.

~~38.33.~~ The office in which she worked was a space shared by CyberCore ("CyberCore"), CyberCore, Northrop ~~Grumman Corporation~~ ("Northrop"), ~~other~~, Northrop's contractors, and federal agencies.

~~39.3.~~ Ms. Milo was the only CyberCore personnel at this location.

~~40.4.~~ Ms. Milo's managers were employees of Northrop, and her co-workers were employees of other subcontractors.

~~41.34.~~ There was significant contact among ~~Ms. Milo~~ CyberCore, Northrop ~~employees,~~ employees of other subcontractors, contractors and federal government workers and managers.

~~42.35.~~ Both Northrop and CyberCore shared control of the terms and conditions of ~~Ms. Milo's~~ her employment.

~~43.36.~~ This included the means and manner of employment, such as shared office space, equipment, time accounting and charging, documents, work assignments, work schedule, directions regarding the work, and evaluation of the work.

~~44.~~ Northrop interviewed Ms. Milo prior to hiring, had to agree to her being hired in order for

37. her to come on board, conducted quarterly reviews of her work, received and approved charge code number sheets from her, and approved her paychecks against Northrop's time sheets.

45.38. Northrop's representative would come into Ms. Milo's office to discuss contract issues and personnel matters.

46.39. Northrop also talked to CyberCore staff as a whole about upcoming layoff, project funding, and upcoming work.

47.40. In addition, Northrop had a role in imposing a probationary period on Ms. Milo.

48.41. As detailed below, Northrop told CyberCore to terminate Ms. Milo's employment.

49.42. CyberCore terminated Ms. Milo's employment at the behest of Northrop.

50.43. Prior to Ms. Milo's gender transition on March 28, 2013, managers from CyberCore, Northrop, and the federal government held a meeting, in which they explained to everyone on the floor that she would be transitioning to the female sex, that she would use "she" and "her" pronouns, and that she should be treated with dignity and respect.

51.44. ~~Some employees~~Employees, agents and contractors of CyberCore and Northrop and federal government workers and managers chose to ignore this directive, exhibiting bias by words and actions based on Ms. Milo's sex, gender and gender expression, and engaged in ~~discriminatory~~ harassing conduct against Ms. Milo because of ~~sex~~her sex, gender and gender expression.

45. During the 10 month period that followed her gender transition, Ms. Milo was consistently humiliated and outraged by the fact that her expertise as a software engineering expert was invalidated practically every day because of her gender expression, her inability to receive respect from her colleagues as a result of that, the complaints she was forced to make about her problems

with co-workers and managers, the complete stonewalling she faced in response to her complaints, and the discipline humiliatingly forced upon her because she complained about her treatment and wanted respect, which was treated as a problem with her department.

52.46. Here are some examples of the discriminatory conduct.

a. When she had first discussed transition with Ray Wise, a federal government manager with supervisory power over Ms. Milo, he asked if she would be wearing dresses when she transitioned to living as a female.

b. He indicated dismay at her affirmative indication of choice of gendered attire, based on his bias against someone whom he considered to be male wearing attire that he considered to be female.

c. Wise and other male managers and co-workers began to misgender Ms. Milo in order to diminish her gender and gender expression.

d. This effort to diminish her gender and gender expression was confirmed for her when, at a meeting, she was told by a male co-worker who worked with and at the direction of Northrop that she wore her heels “too high.”

a.e. Some time in the beginning of April, 2013, it was very hot, and Ms. Milo wore a skirt to the office. Ms. Anderson, a CyberCore manager, told her that her skirt was too short and was “bothering people.” As she was explaining this to her in the lobby, she pointed out another female employee whose skirt was much shorter than hers. Ms. Anderson responded, “Well that doesn’t matter. She doesn’t work for me, you do.”

~~b.f.~~ In or around March 2013, ~~a co-worker,~~ Theresa Olson, ~~a subcontractor who worked with and at the direction~~ of CyberCore~~Northrop~~, told ~~her~~Ms. Milo that she “hated” transgender people. She explained this was because her ex-husband was transgender. Ms. Milo reported this to ~~Brenda~~Ms. Anderson, ~~Ms. Milo’s supervisor at CyberCore, a Northrop representative~~ in or around June 2013.

~~e.g.~~ In or about June 2013, ~~Ms. Milo~~she had a discussion with a male co-worker, Rob Nelson, ~~who worked with and at the direction of Northrop~~, about a work matter that was slightly contentious. Both of them argued with each other about the matter. Afterwards, Ms. Milo was corrected by Ray Wise, the Office Manager, who ~~worked with the Department of Defense as the government program manager, who had managerial power over Mr. Nelson and Ms. said that-~~ He told Ms. Milo that she ~~Ms. Milo~~ should not have argued with Mr. Nelson, and that her arguing with him violated policy. Mr. Nelson, who had argued with her equally loudly, was not corrected. This issue later showed up on Ms. Milo’s~~her~~ Performance Improvement Plan.

~~d.h.~~ A manager, Tom Morehead, ~~who worked with and at the direction of Northrop, through L3 Communications,~~ was a witness to the misgendering by Alex Davis~~and Theresa Olson,~~ ~~who worked with and at the direction of Northrop, and Brenda Anderson, who worked for~~ CyberCore. On or about Sept 2013, Mr. Morehead told Ms. Milo that she needed to “lay low” because he knew that she was being targeted, and that if she were to complain, she would be in worse trouble.

~~e.i.~~ Mr. Morehead was correct, because Alex Davis brought a complaint against her to his HR. The basis of the complaint was that he was “walking on eggshells”

around her because she asked to be called by her proper female name and female pronouns.

~~f.~~ On or about October 15, 2013, ~~Ms. Mile'sher~~ CyberCore supervisor ~~at~~ CyberCore, Brenda Anderson, ~~a~~ Northrop representative, Jeremy Knapp, ~~the~~ Northrop's HR manager, and

j. ~~Northrop's~~ the federal government program manager met with Ms. Milo, and put her on 30-day probationary period based on Mr. Davis' complaint.

g.k. Although Ms. Milo explained that Mr. Davis' s conduct was discriminatory, and requested as an accommodation that the misgendering and other poor treatment stop, Mr. Knapp said "What you think really doesn' t matter."

h.l. As part of the probationary period, a "Performance Improvement Plan" (PIP) was issued by CyberCore and by Northrop that stated as a reason "interaction with coworkers is causing Megan to perform at a subpar level." Ms. Milo was told that she needed to address the following, among other things, which all related to her concerns and complaints regarding discrimination:

- i. "Do not complain in public forums-....Creating an environment of discontent is not acceptable or productive."
- ii. "Treat all customers and coworkers with respect. "
- iii. "Northrop Grumman management recognizes that there are extenuating circumstances, but Megan must extend the same understanding and latitude to her coworkers that she expects for herself. The team is walking on eggshells in fear of creating a perceived slight or offense.

53.47. In fact, Ms. Milo was cordial and courteous to her co-workers regarding her gender transition, and in requesting that they use her correct name, title (Ms.) and pronouns (she and her).

54.48. She bore their errors in addressing her as female with good grace and gentle correction.

55.49. In fact, it was Mr. Davis who was intentionally discourteous to Ms. Milo, in refusing to use her correct name, title and pronouns, and in making derogatory comments about her sex.

56.50. The statements in the PIP show that it was designed and intended to, and had the effect of, imposing discipline against Ms. Milo because of her complaints about discrimination based on her sex, gender and gender identity-expression.

57.51. These statements also show that Ms. Milo's requested accommodations were ignored.

52. These statements also show that the PIP was designed to regulate her gender expression.

53. During the PIP, and as a result of the PIP, she wore no heels, only maxi skirts, and very conservative tops, in addition to keeping her head very low.

54. This hostile environment interfered with her ability to perform her job duties, by disrupting her relationship to her co-workers and managers, by the unreasonable criticism and scrutiny of her gender which flowed directly from the failure of CyberCore and Northrop to take any action to stop it despite her complaints, her need to spend many hours on otherwise unnecessary grievance processes and other ways of trying to get this treatment to stop, like endlessly thinking about who was on her side and who was not, and talking endlessly with her few supporters how to present as small a target as possible.

55. These hostile events based on gender required that Ms. Milo had to be concerned every day that she was on the job and every morning when she got dressed whether someone would criticize her dress, despite the fact that other women were wearing the same thing.

56. Anderson's comment, set forth above, when she pointed out another female employee whose skirt was much shorter than Ms. Milo's, "Well that doesn't matter. She doesn't work for me, you do" was an assertion of authority over Ms. Milo's dress that went well beyond simply a manager's concern for appropriate business attire.

57. Ms. Anderson scrutinized Ms. Milo's attire every day.

58. Milo also had to scrutinize and analyze her gender expression every day, with no criteria, not knowing whether it would violate Ms. Anderson's unstated beliefs about how she should dress.

59. She complained to Ms. Anderson in or about June 2013 that Theresa Olson, who knew that she is transgender, told her that she "hated" transgender people.

60. In response, Ms. Anderson said nothing and did nothing about this statement hostile to her gender and gender expression. This also contributed to the hostile work environment.

61. Milo also notified Ms. Anderson on many occasions of the constant harassment she was experiencing on the job from people in the employ of Northrop and others onsite.

62. She was told by Ms. Anderson that CyberCore had anti-harassment policies that meant it was concerned with her treatment on the job by whomever, regardless of employer, and that she would be supported in ensuring that she had a positive workplace environment.

63. Despite this explicit promise, CyberCore did not protect her from hostility based on her gender by other workers and managers in the workspace, despite the fact that Anderson and CyberCore were aware of the extensive harassment Ms. Milo was receiving, thereby ratifying and condoning this gender-based hostility.

64. In conjunction with all of the negative events regarding her gender every day, ignoring her pleas for help, and the criticisms of her demeanor because of her complaints and being insufficiently deferential to the male employees, Ms. Anderson's statements, acts and failures to act constituted an assertion of authority over Ms. Milo's gender and gender expression.

65. Ms. Anderson's statements, acts and failures to act constituted an assertion that Ms. Milo did not know how to dress as a woman, and implied that she did not dress appropriately because she was not a woman in her eyes.

66. Ms. Milo felt humiliated every day she had to work with Ms. Anderson because Ms. Anderson

made it clear by her statements, acts and failures to act, and by her tone of voice, looks and gestures, that Ms. Milo was not a woman in her eyes, and that she had authority over Ms. Milo's gender expression based on her stereotypes of what a woman should be.

67. As a result of this hostile work environment, Ms. Milo was forced to spend many hours talking to mental health professionals about her increasing fear, humiliation and emotional distress that permeated her work environment.

68. She wrote notes about events in her life in a diary, in an attempt to process her increasing emotional distress. She noted some of the negative events relating to her gender, such as daily misgendering – being called by the wrong name or pronouns, people referring to her gender in a negative way on a daily basis, references to sex stereotypes on a daily basis, and efforts by her to avoid harassment on a daily basis.

69. Many people did, in fact, begin to consistently use the correct name or pronoun within a matter of weeks. But there were still holdouts, and this continued regularly, several times a week, until the end of her employment almost a year later.

70. She was subjected to negative events relating to her gender every day, and noted some of the more memorable events in her diary on over 35 dates during April through December 2013, as well as dates in 2014.

58:71. As a result of the Performance Improvement Plan, Ms. which threatened her job if she complained further, and the failure of CyberCore and Northrop to take prompt and effective action based on her complaints, Ms. Milo ceased her complaints regarding discriminatory treatment;

59:72. After 30 days, around the end of November, Ms. Anderson confirmed that she had spoken to Northrop, and that she was no longer on probation.

~~60~~73. During the month of February, 2014, Ms. Milo spoke to Mr. Davis again about the misgendering.

~~61~~74. At about that time, Ms. Olson spoke with a representative of Northrop regarding Ms. Milo's employment.

~~62~~75. Upon information and belief, at this meeting Northrop requested Ms. Milo's termination.

~~63~~76. On February 28, 2014, Ms. Anderson called Ms. Milo into a meeting and terminated her.

~~64~~77. She said that she could either take a layoff, or be fired because of her "bad attitude."

~~65~~78. By "bad attitude," Ms. Anderson was referring to Ms. Milo's complaints about discrimination.

~~66~~79. Ms. Anderson said, "Take the layoff because it won't look as bad."

~~67~~80. Ms. Anderson also advised Ms. Milo that if she were terminated, she would never be able to work in the Intelligence Community again.

~~68~~81. She then handed her a letter from CyberCore that stated that she was being laid off.

~~4~~82. No one else was “laid off.”

~~5~~83. Ray Wise, a federal employee, had secured funding earmarked for Ms. Milo

~~6~~84. Northrup intentionally moved this money off the contract in order to terminate her.

~~69~~85. The conduct referenced in all previous paragraphs was unwelcome to Ms. Milo.

~~70~~86. A reasonable woman in Ms. Milo’s position would have been offended by this conduct, and Ms. Milo was hurt by it.

~~71~~87. Defendants CyberCore and Northrop were aware of said conduct because Ms. Milo notified them of it, and managers and supervisors participated in it, and ratified it and condoned it by taking no prompt and effective action to stop it despite their awareness of it.

~~72~~88. The Defendants took no prompt and effective action regarding to stop the discriminatory and harassing conduct.

~~73~~89. This conduct constituted harassment and a hostile work environment because of sex.

~~74~~90. Because this conduct occurred in front of and by supervisors and managers, Defendants CyberCore and Northrop were on notice of the harassment of Ms. Milo, and the hostile work environment directed against her.

~~75~~91. Defendants’ workplace policies did not offer Ms. Milo meaningful protection from the kind of hostilities at issue.

~~76~~92. Defendants did not maintain policies that expressly prohibited discrimination against persons such as Ms. Milo in the workplace.

~~77~~93. Defendants did not meaningfully enforce their policies with regard particularly to Ms. Milo.

78.94. Defendants’ purported nondiscriminatory rationale for Ms. Milo’ termination—that she was “laid off,” – is implausible, not worthy of credence, and not honestly asserted as a legitimate, non-discriminatory reason for termination.

95. Although Ms. Milo requested to be informed of other openings with Defendant CyberCore, and she was promised that she would be informed of openings, CyberCore informed her there were no openings, and never informed her of any further openings.

96.

—The Defendants’ purported nondiscriminatory rationale for Ms. Milo’ s termination was

based on sex and gender stereotypes and bias-based beliefs about transgender people and about sex and gender.

79.97. This disparate treatment in terminating Ms. Milo also constituted harassment, contributed to the hostile work environment, and was retaliatory in nature.

80.98. Upon information and belief, no investigation was conducted of Mr. Davis' s discriminatory and harassing conduct, and he was not terminated.

81.99. The very different treatment of Ms. Milo and her complaints by Defendants in comparison to other complainants regarding harassment and discrimination demonstrates disparate treatment against Ms. Milo because of her sex.

82.100. Shortly after her "layoff," a person outside of Ms. Milo' s protected category was hired for the same job duties that Ms. Milo had previously been performing.

CAUSES OF ACTION

COUNT 1

42 U.S.C. § 2000e, et seq.

Hostile Work Environment Because of Sex Against Defendants CyberCore and Northrup

83.101. Plaintiff Ms. Milo incorporates by reference all previous paragraphs as if fully set forth herein.

84.102. Ms. Milo is a member of a protected category with regard to sex.

103. Ms. Milo is and was qualified to perform the job for which she was employed by Defendants.

104. Defendant CyberCore brought Plaintiff into a working environment that included others working for Defendant Northrop, Northrop's contractors, and for the federal government.

85.105. Defendant CyberCore had an obligation to ensure that Plaintiff's working environment was free of harassment based on sex, sex stereotyping, gender and Northrup.gender expression, regardless of whether that harassment came from its own employees or employees of other employers.

106. CyberCore was aware of the harassment directed against Plaintiff by its own employee and the employees of other employers.

107. CyberCore condoned, ratified, and participated in the harassment directed against Plaintiff by the employees of other employers.

~~86.~~108. After Ms. Milo' s transgender status was disclosed to her coworkers, supervisors, and managers, Defendants' managers and employees instituted a campaign of harassment and discrimination on the basis of sex and sex stereotyping, including gender, and gender expression, and ~~gender identity, and~~ adopted adversarial attitudes and hostile demeanors.

~~87.~~109. This harassment was frequent, severe and pervasive, physically threatening, and continued until Ms. Milo' s discharge by ~~Defendants~~Defendant CyberCore.

88:110. Ms. Milo was targeted for harassment and subjected to a hostile work environment by managers and employees of Defendants because of her sex and sex stereotyping, including gender, ~~gender expression~~ and gender ~~identity expression~~.

89:111. The discriminatory acts involved the same type of employment actions, occurred frequently, were perpetuated and/or directed by the same core group of managers and employees ~~of Defendants~~, were egregious, numerous and concentrated, and formed part of the same hostile work environment, as detailed herein.

90:112. The discriminatory acts were unwelcome to Ms. Milo.

91:113. Discriminatory intimidation, ridicule, and insult permeated the ~~Defendants'~~ work environment of Defendants, and was sufficiently severe or pervasive to alter the conditions of Ms. Milo's employment and to create an abusive working environment, as detailed herein.

92:114. Defendants' managers and employees made statements that demeaned Ms. Milo's sex, gender, ~~gender expression~~ and gender ~~identity expression~~, as detailed herein.

93:115. Defendants' managers denied the legitimacy of Ms. Milo's female ~~sex, female~~ gender ~~identity~~ and feminine gender expression, and encouraged and/or failed to stop others under their direction from doing the same.

94:116. This hostile environment unreasonably interfered with Ms. Milo's ability to perform her job duties, by disrupting her relationship to her employers and management, by the unreasonable criticism and scrutiny of Ms. Milo's gender which flowed directly from Defendants' failure to take prompt and effective action to stop the hostile work environment, by Ms. Milo's need to spend many hours on otherwise unnecessary grievance processes and other means of seeking relief, and her reasonable fear of her environment, amongst other reasons, and created working conditions intolerable to a reasonable person.

95:117. The effects of the hostile environment alleged herein were felt by Ms. Milo daily.

96:118. For instance, Ms. Milo felt humiliation and despair as a result of her reasonable fear of continued harassment at any moment, her being referred to continually and intentionally by the wrong name and wrong gender references, and the hostility she encountered.

~~97.119.~~ Many events contributing to this hostile work environment occurred within the 300-day period prior to Ms. Milo' s first EEOC charge.

~~98.120.~~ Ms. Milo perceived the working environment to be abusive or hostile.

~~99.121.~~ A reasonable woman in Ms. Milo' s circumstances would consider the working environment to be abusive or hostile.

~~100.122.~~ Defendants' actions occurred because of Ms. Milo' s sex, in that she was female, but Defendants regarded her as male.

~~101.123.~~ She would not have been the object of harassment but for her gender.

~~102.124.~~ As a direct and proximate result of Defendants' unlawful discrimination, Ms. Milo incurred damages including but not limited to lost wages, humiliation, loss of enjoyment of life, emotional distress, damage to her professional reputation, and other pecuniary and non-pecuniary losses, which damages would not have occurred but for Defendants' unlawful hostile work environment.

~~103.125.~~ Defendants acted intentionally or recklessly in regard to Ms. Milo' s federally protected rights, for which she seeks punitive damages.

COUNT 2

42 U.S.C. § 2000e, et seq.

Termination Because of Sex Against Defendants CyberCore and Northrop

~~104.126.~~ Plaintiff Ms. Milo incorporates by reference all previous paragraphs as if fully set forth herein.

~~105.127.~~ Defendants CyberCore and Northrop ~~Grumman~~ were joint employers of Plaintiff.

~~106.128.~~ As set forth above in detail, both CyberCore and Northrop had authority to hire and fire individuals such as Ms. Milo.

~~107.129.~~ As set forth above in detail, both CyberCore and Northrop engaged in day-to-day supervision of Ms. Milo, including employee discipline.

~~108.130.~~ As set forth above in detail, both CyberCore and Northrop furnished equipment used and the place of work.

~~109.131.~~ As set forth above in detail, both CyberCore and Northrop had possession of and responsibility over the Ms. Milo's employment records.

~~110.132.~~ As set forth above in detail, Ms. Milo worked with CyberCore and ~~Northrup~~Northrop for a substantial length of time.

~~133.~~ Defendants CyberCore and Northrop Grumman terminated ~~Ms. Milo~~Plaintiff because of sex, sex stereotyping, gender, and gender expression.

~~114.134.~~ Defendant Northrop terminated Plaintiff because of sex, sex stereotyping, gender, and gender ~~identity-expression.~~

~~135.~~ CyberCore also terminated Plaintiff because Northrop requested and demanded that it do so.

~~136.~~ Defendant Northrop, by its agents and employees, demanded the termination of Plaintiff, and by so doing, intended to bring about the termination of Plaintiff, because of sex, sex stereotyping, gender, and gender expression.

~~137.~~ CyberCore was aware that Northrop and its personnel held bias against Ms. Milo because of bias based on sex, sex stereotyping, gender, and gender expression.

~~138.~~ CyberCore was aware that Northrop, in demanding of CyberCore that Ms. Milo be terminated, was motivated, in whole or in part, because of bias based on sex, sex stereotyping, gender, and gender expression.

~~112.139.~~ As a direct and proximate result of ~~Defendants~~Defendants' illegal discharge of Ms. Milo, Ms. Milo has incurred damages including but not limited to lost wages, humiliation, loss of enjoyment of life, damage to her professional reputation, and other pecuniary and non-pecuniary losses.

~~113.140.~~ Defendants CyberCore and Northrop ~~Grumman~~ acted intentionally or recklessly in regard to Ms. Milo' s federally protected rights, for which she seeks punitive damages.

COUNT 3
42 U.S.C. § 2000e, et seq.
Retaliation Against Defendants CyberCore and Northrop

~~144~~141. Plaintiff Ms. Milo incorporates by reference all previous paragraphs as if fully set forth herein.

~~145~~142. As set forth above in detail, both CyberCore and Northrop were joint employers of Ms. Milo.

~~146~~143. As set forth above in detail, the effect of the actions of both CyberCore and Northrop was to deprive Ms. Milo of equal employment opportunities as an employee because of retaliation for her complaints of discrimination in violation of Title VII and Title I of the Civil Rights Act of 1991.

144. Plaintiff made complaints to Defendants CyberCore and Northrop about her reasonable and good faith belief that she had been subjected to discrimination by Defendants CyberCore and Northrop.

~~117.~~145. By complaining to Defendants and Defendants' managers about ~~the~~her reasonable and good faith belief in the occurrence of discriminatory practices and hostile work environment described herein, and opposing said practices and hostile work environment directed at herself, Ms. Milo engaged in activities protected by Title VII, whether or not such discriminatory practices and hostile work environment is ultimately found to have occurred.

~~118.~~146. Ms. Milo's exercise of protected rights was known to Defendants, because her complaints were made to both Defendants during her employment.

147. But for Ms. Milo's exercise of protected rights, she would not have been terminated by Defendants.

~~119.~~148. The actions taken against Ms. Milo would dissuade a reasonable employee from making or supporting a complaint of discrimination.

~~120.~~149. By engaging in the conduct described above, Defendants intentionally retaliated against Ms. Milo with malice or reckless indifference to Ms. Milo's federally protected rights to oppose practices that are prohibited by Title VII.

~~121.~~150. By engaging in the conduct described above, Defendants subjected Ms. Milo to a retaliatory hostile work environment.

~~122.~~151. As a direct and proximate result of Defendants' unlawful retaliation, Ms. Milo has incurred damages including but not limited to lost wages, humiliation, loss of enjoyment of life, damage to her professional reputation, and other pecuniary and non-pecuniary losses.

~~123.152.~~ Defendants CyberCore and Northrop-~~Grumman~~ acted intentionally or recklessly in regard to Ms. Milo' s federally protected rights, for which she seeks punitive damages.

JURY DEMAND

~~124.153.~~ Plaintiff hereby demands a trial by jury of all issues triable by a jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Ms. Megan Milo respectfully requests that this Court:

- A. Declare that the acts, practices, and omissions complained of herein are unlawful and violate Title VII;

- B. Permanently enjoin Defendants, their officers, agents, servants, employees, attorneys, and all persons in active concert or participation with them from engaging in the unlawful conduct of discriminating against employees who are transgender and/or who have undergone or are undergoing a gender transition, or who are associated with employees who are transgender and/or have undergone or are undergoing a gender transition;
- C. Order Defendants to institute and carry out policies, practices, programs, and training which provide equal employment opportunities for employees who are transgender, have undergone a gender transition, or are undergoing a gender transition, and which eradicate the effects of Defendants' past and present unlawful employment practices;

D. Reinstate Plaintiff to her position;

D.E. Order other affirmative relief necessary to eradicate the effects of Defendants' unlawful employment practices;

E.F. Direct Defendants to pay Ms. Milo for past and future pecuniary losses resulting from the unlawful practices complained of in the foregoing paragraphs;

E.G. Direct Defendants to pay Ms. Milo for past and future non-pecuniary losses resulting from the unlawful practices complained of in the foregoing paragraphs, including humiliation, loss of enjoyment of life, damage to her professional reputation, and other non-pecuniary losses in an amount to be determined at trial;

E.H. Direct Defendants to pay Ms. Milo punitive and special damages for Defendants' intentional or reckless conduct described in the foregoing paragraphs, in an amount to be determined at trial;

E.I. Award Ms. Milo attorneys' fees, costs, and disbursements as provided by law; and

E.J. Award such additional relief as justice may require.

Dated: October 10, ~~2018~~ 2019

Respectfully submitted,

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