

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

BRENDA VANDEWEGHE, : Civil Action
 :
 Plaintiff, : Case No. _____
 :
 v. :
 :
 INTERNATIONAL BUSINESS :
 MACHINES CORPORATION, :
 :
 Defendant. : September 1, 2020

COMPLAINT

Plaintiff Breda VanDeWeghe, for her complaint against Defendant International Business Machines Corporation, alleges as follows:

NATURE OF THE ACTION

1. This is an action seeking damages based on Defendant's discriminatory practices in violation of the Age Discrimination in Employment Act, 29 U.S.C. § 621, *et seq.* ("ADEA"), and the Connecticut Fair Employment Practices Act, Connecticut General Statutes § 46a-51, *et seq.* ("CFEPA"). Beginning in 2012, Defendant began terminating older employees disproportionately to its younger employees, did not offer older employees open positions, and engaged in other tactics targeting its older employees in an effort to create a significantly younger workforce. This conduct constitutes unlawful discrimination under the ADEA and CFEPA. Plaintiff, as an older employee, was treated less favorably than her younger peers and, as a result of a concerted corporate policy to create a "younger" workforce, was terminated.

PARTIES

2. Plaintiff Brenda VanDeWeghe is an individual residing at 115 Colonial Road, Unit 58, Stamford, Connecticut 06906.

3. Defendant International Business Machines Corporation (“IBM”) is a New York corporation with its principal place of business located at 1 New Orchard Road, Armonk, New York 10504. IBM does business in the State of Connecticut and, on information and belief, maintains local offices at Milford and Southbury, Connecticut.

JURISDICTION AND VENUE

4. Jurisdiction over the subject matter of this litigation exists pursuant to 28 U.S.C. §1331 as Plaintiff asserts a claim under the ADEA. As to those claims not arising under federal law but clearly so related to the claims in this action within the original jurisdiction of this Court, jurisdiction exists under the doctrine of supplemental jurisdiction as codified in 28 U.S.C. §1367, as well as due to diversity of citizenship pursuant to 28 U.S.C. §1332 in that the action involves citizens of different states and the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs.

5. Venue is proper in this District pursuant to 28 U.S.C. §§1391(b)(2) as the unlawful conduct giving rise to Plaintiff’s claims took place within the District of Connecticut.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

6. Plaintiff timely filed administrative charges of discrimination and retaliation with the Connecticut Commission on Human Rights and Opportunities (“CHRO”) and the Equal Employment Opportunity Commission (“EEOC”) on September 17, 2018 and has received a Right to Sue letter from the EEOC dated June 3, 2020, as well as a Release

to Sue from the CHRO dated June 3, 2020. Copies are attached hereto as Exhibits A and B, respectively.

STATEMENT OF FACTS

7. In February of 2010, Plaintiff began working for IBM as an independent contractor through a private employment service. Plaintiff worked for IBM's Global Business Services ("GBS"), IBM's consulting services business unit. Her duties involved recruiting individuals to work for GBS.

8. Plaintiff performed well in her recruiting role and in March of 2011, IBM offered her a position as a "long-term supplemental employee" ("LTS"). As an LTS, Plaintiff was an IBM employee.

9. On information and belief, in or about 2012, IBM instituted a program to become a more youth-oriented – and demographically youthful – company. Specifically, IBM embarked on a massive reinvention and rebranding campaign that had two principal objectives: first, to transform IBM into a "Cognitive Solutions" company deeply invested in the Cloud, Analytics, Mobile, Security and Social technology markets ("CAMS"), and second, to change the face of IBM by recruiting and retaining "digitally native" Millennials, which IBM defined as the generation born after 1980.

10. In May of 2014, IBM offered Plaintiff a full-time regular position as a recruiter for GBS.

11. At a 2014 conference titled “Reinvention In The Age of The Millennial,” IBM expressly linked its success to Millennials, asserting that IBM’s “future growth will be influenced by the values system of Millennials ...”¹

12. Millennials represented a “trillion dollar market” and “billions” of dollars in potential sales for IBM. To capture the Millennial market, IBM stated it had to “become one with the Millennial mindset.” “Mindshare converts to marketshare,” IBM wrote, and IBM’s “leadership in millennial engagement is the ideal value proposition for generating CAMS pipeline, which is driven by Millennial traits.”² According to one IBM spokesperson, “the secret to capturing the hearts, minds, and most importantly, wallets of the millennial generation is likely working with you. Your millennial employees are your most valuable and accessible asset when it comes to successfully marketing your business to the millennial generation.”²

13. In 2014, IBM published “Millennials: How IBM can effectively attract, engage and retain this emerging generation.” Because Millennials meant big money for IBM and because IBM “face[d] major competition with [other] companies acquiring Millennials, both within the tech sector (i.e., Microsoft, Amazon) and beyond,” IBM developed a “strategy to attract top Millennial talent.”

¹ See *Reinvention in the Age of the Millennial*, IBM Center for Applied Insights Blog published December 16, 2014, accessed at <https://ibmcai.com/2014/12/16/reinvention-in-the-age-of-the-millennial/> (copy attached as Exhibit C).

² See *Marketing and the Millennial Mindset – An Interview with IBM’s Samantha Klein*, The Marketing Journal, June 3, 2016, available at <http://www.marketingjournal.org/marketing-andthe-millennial-mindset-an-interview-with-ibms-samantha-klein/> (copy attached as Exhibit D).

14. IBM also instituted an “Early Professional” hiring program targeted solely at young professionals. “The idea is to bring in as much young talent into the workforce with every given opportunity.”³

15. In June of 2015, IBM changed Plaintiff’s role to North American Executive Referral Program Manager. Plaintiff’s duties included managing referrals of IBM executives across all business units, in North America.

16. IBM’s recruitment targets were divided into two primary groups: early professional hires (EPHs) and experienced professionals (EPs). EPHs were defined broadly as persons with less than three (3) years of post-graduate work experience; EPs were defined broadly as individuals with greater than three (3) years post graduate work experience.

17. From the spring of 2014, IBM’s recruiting targets shifted drastically from EPs to EPHs in an obvious attempt to populate the company’s ranks with younger employees.

18. Plaintiff’s recruiter position required her attendance at many meetings in which IBM’s recruitment strategy was explained and discussed for purposes of implementation. In short, beginning in or about the spring of 2014, IBM human resources executives repeatedly stressed that targets for recruitment of EPHs would be substantially increased, with targets for EPs correspondingly decreased.

19. In her role as a recruiter, Plaintiff received many documents that emphasized IBM’s approach to establishing a younger corporate demographic. One

³ See *IBM’s New Team to Focus on Millennials*, Business Standard, May 31, 2016, accessed at http://www.business-standard.com/article/companies/ibm-s-new-team-tofocus-on-millennials-116053000677_1.html (copy attached as Exhibit E).

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