

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**MELISSA LYNCH,**  
2246 S Street SE  
Washington, D.C. 20020

**Plaintiff,**

**v.**

**APPLE INC.,**  
One Apple Park Way  
Cupertino, CA 95014

**Defendant.**

**Case No. 1:21-cv-01336**

**NOTICE OF REMOVAL**

**EXHIBIT A**

D.C. Superior Court Complaint



2. Apple, Inc. is a California corporation with its principal place of business at 1 Apple Park Way, Cupertino, California 95014.

### **JURISDICTION AND VENUE**

3. This Court has personal jurisdiction over Apple, Inc. because it regularly conducts business in the District of Columbia and maintains regular and systematic contacts with the District of Columbia.

4. This Court has subject matter jurisdiction over the claims in this Complaint brought under the laws of the DCHRA, D.C. Code § 2-1404.01, *et seq.* and the DCFMLA, D.C. Code § 32-501, *et seq.*

5. Venue is proper in this Court because it is the judicial district where the unlawful employment practices are alleged to have been committed.

### **FACTUAL ALLEGATIONS**

6. Apple hired Lynch in or about 2010 as a Senior Manager at Apple's Bethesda, Maryland retail store.

7. Apple promoted Lynch to Store Leader for two Apple retail stores in the Annapolis, Maryland region roughly four months after hiring her.

8. Apple again promoted Lynch in or about 2012 to Market Leader for Maryland. Lynch served as intermediate management as a Market Leader between Apple's retail stores and corporate offices.

9. In or around 2014 Apple transferred Lynch from Market Leader for the Maryland region to Market Leader for Virginia, where it based her out of Virginia Beach, Virginia.

10. Apple again transferred Lynch from Virginia back to Maryland in or around early 2017. Lynch then oversaw four retail stores in Maryland in her new position, including stores in Annapolis, two stores in Bethesda, and Columbia, as well as one store in Pennsylvania.

11. Lynch reported directly to Heidee Albany, Apple Market Director after returning to be Apple's Market Leader for Maryland.

12. Lynch worked out of her Washington, D.C. home in role as Market Leader for Maryland from 2017 through her termination.

13. Apple conducts performance reviews for employees on a quarterly basis. Direct supervisors issue each employee one of the following three performance ratings from their: "exceeds expectations," "achieves expectations," or "expected more."

14. Apple issued strong performance reviews to Lynch from Quarter one, 2017, until Quarter two, 2019, with Albany rating her either "meets expectations" or "achieves expectations" each successive quarter.

15. Apple hired Deidre O'Brien to be its new Senior Market Director in or around February 2019, and in this capacity she was Lynch's third-line supervisor, as Albany reported to Denny Tuza, and Tuza reported to O'Brien. O'Brien was a 30-year Apple employee at the time of her placement into the Senior VP of Retail.

16. Albany first criticized Lynch's performance during a routine one-on-one talent planning meeting on or about February 21, 2019. Albany told Lynch that she purportedly needed to work on how she rated new store leaders after Lynch wrote that a new store leader, Jen Rupp, was "in over her head."

17. Albany began contacting Lynch's direct reports to ask about Lynch's communication style in or around late April and early May of 2019, and Albany

contemporaneously directed Lynch not to speak with her direct reports, effectively cutting off a line of communication with her team. Albany did not implement such restrictions on any other Market Leader.

18. Albany first mentioned to Lynch that Apple might place Lynch on a “documented coaching” plan on or about May 16, 2019. Lynch responded by reporting that Albany was targeting Lynch for harassment. Lynch reported Albany’s threat and harassment to Ashley Gore, one of Apple’s HR Business Partners, but Gore did not follow up with Lynch to learn any further details about her report.

19. On or about June 27, 2019, Albany placed Lynch on a documented coaching, which was to last for sixty days. Lynch then took previously scheduled vacation leave from on or about June 28, 2019, through on or about July 6, 2019. Lynch then took sick leave from on or about July 7, 2019, through on or about July 13, 2019, due to anxiety and panic attacks precipitated by Albany’s harassment.

20. Albany took a leave of absence from Apple from on or about July 1, 2019, through on or about August 22, 2019. Lynch reported to Jason Barlia, Apple’s Market Director for New York, during Albany’s absence, and Barlia issued to Lynch good performance remarks for this management period.

21. On or about July 23, 2019, Lynch again reported her complaints of harassment to Annetta Merrifield in Apple’s Employee Relations Department.

22. Albany returned from her leave of absence on or about August 22, 2019. Albany informed Lynch upon her return that Albany was extending Lynch’s documented coaching because Albany had been out on a leave of absence. However, Albany failed to provide Lynch with details about the extended documented coaching’s new duration, and Albany’s actions

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