

THE LAW OFFICES OF  
**NEAL BRICKMAN, P.C.**  
420 LEXINGTON AVENUE, SUITE 2440  
NEW YORK, NEW YORK 10170

NEAL BRICKMAN  
JUDITH L. GOLDSBOROUGH  
ETHAN Y. LEONARD  
MILENA PISANO-MCNALLY  
VIRGINIA A. REILLY

**TELEPHONE:**  
**(212) 986-6840**

**TELECOPIER:**  
**(212) 986-7691**

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Via Electronic and First-Class Mail

Michael Yim  
Putney, Twombly, Hall & Hirson LLP  
521 Fifth Avenue  
New York, NY 10175  
(212) 682-0020  
(212) 682-9380 (fax)  
myim@putneylaw.com

Re: *Donald Lewis*

Dear Mr. Yim:

As you are aware, we represent Mr. Lewis with regard to (a) the demonstrably false allegations made against him by [redacted]; and (b) potential claims against, *inter alia*, Pierce Bainbridge Beck Price & Hecht LLP (“Pierce Bainbridge”) as well as John M. Pierce, Carolynn Beck, and potentially other Pierce Bainbridge personnel individually, and as employers under the New York City and New York State anti-discrimination laws; and [redacted] a/k/a [redacted]. For purposes of this letter, we have referred to the Complainant as [redacted]. It is unclear, however, whether that, or [redacted] is her current legal name.

In addition, given your numerous statements concerning the need to placate [redacted] so as to limit the possibility of (i) a criminal charge against Mr. Lewis – no matter how frivolous and criminal in nature such a charge would be – and (ii) civil claims against Pierce Bainbridge, you and your firm, Putney, Twombly, Hall & Hirson LLP (“Putney Twombly”), may very well be subject to liability vis-a-vis Mr. Lewis, as well as vis-a-vis Pierce Bainbridge, for your mishandling of the “investigation” and advice to Pierce Bainbridge throughout this process.

As has been expressed to you from the outset, Mr. Lewis patently and categorically denies [redacted] false allegations. Our client remains steadfast that clearing his name is of paramount importance. Mr. Pierce’s reckless and wholly improper communications on the day Mr. Lewis was put on leave (with no notice or discussion) have compounded this necessity, as well as the damages that Mr. Lewis has suffered and continues to suffer with each passing day. To be crystal clear, Mr. Lewis has been, and always will be, willing to cooperate with any *impartial* investigation. He will not, however, compromise his rights and subject himself to further reputational damage by lending credence to the sham “investigation” that has been effected to date. Indeed, your recent efforts to silence, stifle or otherwise restrict Mr. Lewis’ statements or

observations concerning the alleged incidents are unethical, improper and demonstrative of the inappropriate and troubling bias repeatedly demonstrated by you and Putney Twombly.

With regard to the purported “investigation,” it is clear that the procedure has (i) violated Mr. Lewis’ rights, (ii) been conducted contrary to any reasonable procedure or standard practice, (iii) violated the recently established guidelines for investigations into allegations of sexual harassment (“Guidelines”), as recently mandated, and (iv) patently violates the New York Rules of Professional Conduct 4.2 and the ABA Model Rules 4.2 by seeking to coerce Mr. Lewis into being questioned by counsel without his retained counsel of his choosing present. Notably, Ms. Beck stated on October 16: “This. . . investigation is being conducted pursuant to the guidance of applicable federal, New York State, and New York City employment laws.” Apparently, Ms. Beck, Pierce Bainbridge, you and Putney Twombly have decided that the Guidelines and relevant laws are inconvenient to your collective unethical, improper and potentially illegal efforts to conspire to destroy Mr. Lewis’ personal and professional reputation, as well as his career, based on false allegations. We are compelled to note the curious timing of Mr. Lewis’s leave, forced isolation and continued ridiculous demands for lifetime isolation, given recent concerns he had very strongly expressed over conduct and dealings at Pierce Bainbridge.

The Guidelines require, at a minimum that any investigation – and the allegations leading to the same – be handled in a “confidential” manner that “ensures due process for all parties.” (Emphasis added.) Indeed, Mr. Pierce’s e-mail placing Mr. Lewis on leave stated: “[Don] you can sure you will be treated with procedural fairness throughout.” This was blatant dishonesty from Mr. Pierce and he has unsurprisingly hidden for almost a month (and rejected Mr. Lewis’s request through counsel to have a conversation), while having Ms. Beck, whose competence he routinely denigrates, do his bidding. In direct contravention of the representations of Ms. Beck, Mr. Pierce and the Guidelines, the “investigation” has been grossly flawed in a plethora of ways, including, but not limited to:

1. The remarkable admission by you and Putney Twombly that, as of November 6, almost a full month after Mr. Lewis’s claims, and near the completion of your sham “investigation,” you and Putney Twombly have been operating under the understanding that *only* the Complainant ( ), not the falsely accused (Mr. Lewis), is to be afforded “due process.” You even asked us to provide authority for the assertion that Mr. Lewis had a right to due process. This is both incredible and downright bizarre and completely taints the entire “investigation” and any determinations therein adverse to Mr. Lewis.

2. Mr. Pierce’s public (not confidential) reckless pronouncement that Mr. Lewis had been placed on leave due to allegations of “sexual assault.” Upon information and belief, and based on statements from Mr. Pierce, his decision to ban Mr. Lewis from communicating with any Pierce Bainbridge employees, to immediately place Mr. Lewis on administrative leave, to immediately remove Mr. Lewis from Pierce Bainbridge Slack and email accounts and to make such a reckless public statement was done at advice of counsel. While Mr. Pierce may not have been referring to you and Putney Twombly, you should be aware of Mr. Pierce’s position.

3. Your and Putney Twombly's admitted shifting roles, as "independent investigators", then "advocates and negotiators" for Pierce Bainbridge, and then a proposed return to "investigator" status.

4. The apparent failure by you and Putney Twombly to ascertain the alleged time and the alleged precise location of the alleged incident, so as to provide reasonable notice to Mr. Lewis as to the charges against him. The absence of this extremely basic and critical information also severely undermines anyone's ability to evaluate legitimately the credibility of [redacted] claims.

5. The failure by you and Putnam Twombly to acknowledge until yesterday, despite being asked for the "time of incident" at least three times, that [redacted] was never questioned as to the time when the alleged incident took place. Your 11<sup>th</sup> hour revelation, after agreeing yesterday to look to your notes and provide the time, objectively calls the credibility of your representation concerning this absence into question. In light of this, we are justifiably extremely concerned about the potential alteration and/or destruction of your notes from [redacted]'s interview.

6. The fact that, after the complaint was made, the Complainant still has access to Mr. Pierce's e-mails, and likely Ms. Beck's, which is, at best, severely troubling. We are keen to know whether all firm personnel, and any individuals e-mailing the firm about Mr. Lewis, were made aware that Mr. Pierce, and likely Ms. Beck, had provided the Complainant with access to their e-mails. This is unethical and improper on multiple levels, and, given your repeated statements about potential exposure to Pierce Bainbridge, incredibly reckless. (We additionally note that [redacted] likely had access to both Mr. Pierce and Ms. Beck's e-mails prior to the complaint being made and was privy to conversations that Mr. Lewis and assuredly other partners assumed were between partners only. In addition, we note that Ms. Beck requested Mr. Lewis provide an out of office e-mail response and changed that response without informing Mr. Lewis or his counsel, yet another example of the spectacularly poor faith in which this matter has been handled.)

7. The attempts to intimidate and essentially extort a quiet settlement from Mr. Lewis with continued threatening statements that in sum and substance that it would be catastrophic for all if the matter did not settle.

8. Your and Putney Twombly's insistence that any settlement be contingent upon Mr. Lewis agreeing to never speak to any Pierce Bainbridge employees for the rest of his life concerning any subject matter whatsoever, including employees he has been friendly with for collectively over 30 years. Your desperate and unbecoming attempts recently included an invitation to have Mr. Lewis and his counsel participate in negotiating the terms of any finding; this was just hours after your assertion that any settlement would include a "default judgment" against Mr. Lewis. This patently absurd restriction, objectively, strongly suggests there is serious foul play, conspiracy and wrongdoing afoot, by

you, Putney Twombly, Mr. Pierce, Ms. Beck, Pierce Bainbridge, , as well as potentially additional Pierce Bainbridge personnel.

9. Your and Putney Twombly's incredulous suggestion that, given your admitted lack of "independence", you as a partner at Putney Twombly and the initial "investigator" in this matter, would not conduct an interview of Mr. Lewis and instead have an associate of Putney Twombly, Rebecca K. Kimura, conduct the interview. Once again, this is bizarre.

10. Your and Putney Twombly's failure to permit Mr. Lewis to access his files that are exculpatory in nature or speak to anyone in the office in connection with preparing a defense for an alleged incident that allegedly happened four months ago, which is reprehensible, but consistent with your and Putney Twombly's apparent lack of even a very basic understanding of the concept of "due process."

11. Even as late as two days ago, you reiterated that Pierce Bainbridge's firm "General Counsel" (presumably Ms. Beck) directed that no access or further documentation would be provided. Should either you or Pierce Bainbridge actually want to conduct a complete and fair investigation, there is simply no legitimate basis to withhold relevant explanatory and exculpatory documentation from either Mr. Lewis or the "investigation" file. Incredibly, Ms. Beck had the temerity to suggest that our client's request for such access was an effort to "shape the contours of this investigation" and then made the equally baffling statement that: "[W]e fully understand that your client does not have access to firm documents, emails or Slack messages [to defend against an allegation from almost four months ago]. Pierce Bainbridge will take that into consideration in reviewing Mr. Lewis's response." The apparent lack of concern surrounding such documentation only further substantiates the improper nature of the "investigation" as a witch hunt with a predetermined outcome on the part of Pierce Bainbridge and its retained counsel, you and Putney Twombly.

This is particularly concerning given that Pierce Bainbridge, in connection with another matter, apparently deleted a bevy of materials related to a former Pierce Bainbridge employee who threatened (and may have pursued) claims for hostile work environment. In a similar circumstance, certain of the individual referenced above withheld, and were misleading as to, critical information and communications from the firm's partners in a meeting attempting to determine, among the partners, what actions should be taken concerning another Pierce Bainbridge employee who was subsequently terminated.

12. The failure of Pierce Bainbridge to have a sexual harassment policy pursuant to the State's recently enacted requirements, much less provide a copy of the same to Mr. Lewis.

While it is our hope – based in no small part of the fact that the allegations against Mr. Lewis are abject fabrications – that these (and other) oversights and procedural missteps are the result of the fact that both Putney Twombly and Pierce Bainbridge are aware that the allegations against Mr. Lewis are false, the failure to seek out all relevant documentation is still troubling. This is especially so given that the Slack documents that were finally provided just two days ago concerning the secondary allegation surrounding the delivery of Yankee tickets to Mr. Lewis completely refute [redacted] allegations of any impropriety on the part of Mr. Lewis. This seriously undermines [redacted] credibility or lack thereof, as do various online postings and statements.

Similarly, it is problematic that there appears to have been no investigation whatsoever into the fact that [redacted] allegations were made the very next day after she learned that Mr. Lewis had voiced concerns about her performance, concerns shared by several others, and reiterated his opinion that Pierce Bainbridge should hire a more experienced paralegal, an opinion also shared by other Pierce Bainbridge partners.

While we appreciate the serious nature of [redacted] false allegations, and understand that this does not bear on the veracity of lack thereof, it is also troubling that Pierce Bainbridge, and particularly Ms. Beck, have acted so precipitously when they have failed to take any action, much less any disciplinary action, against non-African American attorneys at the firm who (i) routinely make sexist, misogynistic and inappropriate comments about women, both in publicly to the entire firm, as well as in private messages to Ms. Beck and others; (ii) have engaged in conduct leading to threatened (and potentially pursued) gender based claims of a hostile environment, (iii) make derisive comments about Ms. Beck herself, as well as other current and former Pierce Bainbridge female personnel and (iv) have, according to Ms. Beck and others connected to the firm, reportedly engaged in sexual relations, explicit sexual discussions and inappropriate flirtations with former and current Pierce Bainbridge personnel. We also note that Ms. Beck has engaged in clear disparate treatment of an African-American male candidate for a position at Pierce Bainbridge.

Furthermore, shortly before he was placed on leave, Mr. Lewis stepped in on behalf of a female Pierce Bainbridge partner to halt the recruitment of a potential very lucrative lateral partner who Mr. Lewis had been told asked his colleague inappropriate questions about her sex life during an interview years earlier, and then continued to inappropriately contact her thereafter, and in her words “is a creep” who “makes my skin crawl” all of which Mr. Lewis shared with Mr. Pierce. Mr. Lewis stepped up and handled the matter; however, Mr. Pierce, after telling Mr. Lewis he agreed, questioned him again later in the day, again Mr. Pierce said he agreed, and then notwithstanding Mr. Lewis informing all of the partners, as well as the recruiter, that the firm as not interested in the candidate, Mr. Pierce continued the conversation and recruitment of the candidate.

The conduct of Pierce Bainbridge in publicly decrying Mr. Lewis, demanding that Mr. Lewis not communicate with any Pierce Bainbridge personnel and immediately locking Mr. Lewis out of his email and other electronic accounts, including his WeWork and Slack access, was unnecessary, inappropriate and punitive, all of which has caused Mr. Lewis severe personal and professional harm. In addition, [redacted] has been permitted to contact Mr. Lewis’s former employer, where he maintains exceptional relationships, and inform them that he was placed on

administrative leave, which is grossly inappropriate and indicative of the disturbing bias and unjustified favoritism that has existed throughout this sham process.

As you and Putney Twombly, have communicated that you do not want any additional information from Mr. Lewis as to what actually happened, Mr. Lewis has asked us to submit this correspondence and to reiterate his proffer to answer any relevant questions and participate in an *impartial, unbiased and fair* investigation that is undertaken to objectively determine the truth of any allegations against him.

Mr. Lewis has specifically requested that we add that he has never in his life been accused of any inappropriate conduct whatsoever regarding women, much less sexual assault, and routinely, as a large male, puts himself in harm's way by interjecting himself to protect women being harassed on the subways, at Penn Station and elsewhere. The notion that he engaged in the ridiculous acts alleged by [REDACTED], in the middle of the day (when he was electronically working or socializing virtually the entire day and night), in essentially an area open to the public is patently absurd on its face. He is deeply offended by the miscarriage of justice, rush to judgment and shameful conduct of Mr. Pierce, Ms. Beck, Pierce Bainbridge, you and Putney Twombly, based on the false allegations of an individual with highly questionable motives and credibility. As an African-American male, and the only African-American lawyer at the firm at the time he was placed on leave, Mr. Lewis is justifiably livid at the attempts to demonize him and portray him as some type of unhinged wild creature. Quite frankly, it is both disgusting and reprehensible; everyone involved should be ashamed of themselves. His entire inner circle is aware of the situation and he has their blessing to do *whatever* it takes to clear his name, which he fully intends to do through all legal methods available to him.

We expect you will share and discuss this correspondence with your client so that you both may understand what you have done on behalf of the other and, so that you and Putney Twombly, have a better lay of the land and fully grasp both your exposure and what you have been party to over the last several weeks.

We hereby submit that the following corrective actions, at a minimum, are warranted and past due:

1. Public clearing of Mr. Lewis' name with a memorandum to all partners of Pierce Bainbridge;
2. The immediate reinstatement of Mr. Lewis to active status, with access to all email, slack, Wework and other electronic fora. Mr. Lewis would agree to work remotely and not have any interaction with [REDACTED];
3. An immediate block of [REDACTED]'s access to the email accounts of Pierce Bainbridge's partners' or other employees' emails; and
4. Immediate reimbursement, by insurance or otherwise, of Mr. Lewis' legal fees.

Finally, please note that Mr. Lewis expressly reserves all of his rights, claims, and defenses.

Thank you for your time and attention in this regard.

Yours, etc.,

A handwritten signature in blue ink, appearing to read "Neal Brickman", followed by a horizontal line extending to the right.

Neal Brickman, Esq.