

Subject: Re: [REDACTED] v. Lopez/Assembly
Date: Friday, January 20, 2012 4:05:43 PM ET
From: Mariann Wang <mwang@chwillp.com>
To: William Collins <collinsw@assembly.state.ny.us>

For Settlement Purposes Only

Bill:

Thanks for your message and the sentiment expressed at trying to address this in a timely manner. I am waiting to hear from my clients as they consider what is best for their emotional health. My hope is to call you on Monday to discuss your offer, if you are around.

With respect to your second paragraph below, it is my understanding that both my clients communicated repeatedly with various individuals in the Assembly (both your office and human resources) complaining about Mr. Lopez's conduct and behavior. Ms. [REDACTED] was crying and plainly disturbed by her treatment. Under governing law, I am not aware that the victim is required precisely to direct or require a particular outcome or specific next steps, but that instead the employer has the responsibility to take appropriate action in a meaningful manner that both protects the employee and ensures their safety and the cessation of the unlawful behavior — and ensures that no retaliation occurs.

One logistics question: I realize you need time sheets from my clients, and I will forward you our understanding of their hours, but with respect to this past Wednesday's paycheck, Ms. [REDACTED] has received hers but Ms. [REDACTED] has not. Do you know status?

Thank you,
Mariann

CUTI HECKER WANG LLP
305 BROADWAY, SUITE 607
NEW YORK, NEW YORK 10007

TEL: 212.620.2603 | FAX: 212.620.2613
EMAIL: MWANG@CHWLLP.COM

From: William Collins <collinsw@assembly.state.ny.us>
Date: Thu, 19 Jan 2012 16:18:52 -0600
To: Mariann Wang <mwang@chwillp.com>
Subject: RE: [REDACTED] and [REDACTED] v. Lopez/Assembly

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Ms. Wang:

I reached out to you this morning to let you know that the Assembly appreciates your clients' desire to resolve this matter in a timely manner. As I noted in my recent letter to you, we are interested in discussing with you whether your clients are interested in accepting comparable employment within the Assembly. If they are, we can offer a seamless transition to new positions at their current salaries.

With respect to the assertion in your email correspondence with Mr. Lefcourt that your clients were waiting for the Assembly to take meaningful action, please recall that the Assembly repeatedly sought, but never received, any indication from your clients what action, if any, they wished the Assembly to take, including whether or not they wished to trigger the Assembly's sexual harassment

complaint process.

Please be assured that the Assembly is not only open to participating in a confidential mediation process, but remains willing to engage in immediate discussions to address any concerns or misapprehensions your clients may have regarding their employment status and any interest they might have in accepting comparable Assembly employment.

Bill Collins

From: Mariann Wang [<mailto:mwang@chwllp.com>]
Sent: Wednesday, January 18, 2012 9:34 PM
To: Lefcourt@Lefcourtlaw.com
Cc: Gloria Allred; Nathan Goldberg; Julie Ehrlich; William Collins
Subject: [REDACTED] and [REDACTED] v. Lopez/Assembly

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Mr. Lefcourt:

I've had a chance to speak with both my clients and my co-counsel after you and I spoke this evening. While I completely understand the difficulties of your beginning a trial in a few days, unfortunately we are not able to wait until "about mid February" for you to "look into this" and generally get back to us. I understand that Mr. Lopez has had you on retainer for awhile, and that you have several very capable attorneys in your office. More importantly from our perspective, our clients have had to live with your client's humiliating and abusive behavior for many months, and tried repeatedly to get him to stop and for the Assembly to take meaningful action before they ultimately chose the final recourse of hiring attorneys to take action. They do not wish now to remain in limbo and continue to have their serious allegations further dismissed as irrelevant. We reached out to your client and the Assembly's counsel to see if both your clients want amicably to resolve this. Mr. Collins expressed an interest on behalf of the Assembly the day after we sent our letter, though he wanted Mr. Lopez participating. We remain willing to work with you in good faith, but only if we have a commitment from both of your clients to engage in a JAMS mediation on a date certain and with a jointly chosen mediator. We are open to selecting other dates and mediators within a reasonable timeframe, but we seek a commitment to that process by no later than COB Monday. Otherwise, we will resort to litigation.

Mariann

Cuti Hecker Wang LLP
www.cutheckerwang.com