

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MELISSA COOPER,	:	
	:	
Plaintiff,	:	
	:	
-against-	:	COMPLAINT
	:	
MASS APPEAL MEDIA INC., PETER	:	
BITTENBENDER, and JENYA MEGGS,	:	
	:	
Defendant.	:	
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Plaintiff Melissa Cooper (“Plaintiff” or “Cooper”), by her attorneys Pechman Law Group PLLC, complaining of unlawful discrimination by Defendants Mass Appeal Media Inc. (“Mass Appeal”), Peter Bittenbender (“Bittenbender”), and Jenya Meggs (“Meggs”) (collectively, “Defendants”), alleges:

NATURE OF THE ACTION

1. For over two decades, Melissa Cooper has worked and built her career in the entertainment industry, with the last fifteen of those years spent developing and selling content that focused primarily on Black culture. Although White, Cooper has always been a proponent of telling stories and shedding light on underrepresented communities, and by doing so has established an excellent reputation among her colleagues from every background.

2. Despite being successful in her role as Head of Development at Mass Appeal, Cooper nonetheless was the target of a racist conspiracy orchestrated by Jenya Meggs to damage Cooper’s reputation and trigger Cooper’s termination from Mass Appeal. Meggs and her cohorts made venomous and racist comments about “White folk” and “crackers,” and bragged that they caused Cooper to shed “White tears.” By virtue of disclosures by Megg’s former romantic partner, Michael Harris, Cooper discovered the

severity and depth of the racism at Mass Appeal and confirmation that she was targeted for termination simply because she was White.

3. When Peter Bittenbender, in his capacity as Mass Appeal's chief executive officer, was informed of Meggs' blatant racial animosity towards Cooper through the dossier of text messages Cooper provided, which detailed Meggs' concerted efforts to harm Cooper on the basis of her race, he responded by callously telling Cooper "I am sorry you had to read this but this isn't illegal." Bittenbender and Mass Appeal conducted no investigation into Cooper's claims of racial discrimination. Instead, Bittenbender and Mass Appeal terminated Cooper on June 30, 2023 while continuing to employ Meggs.

4. Cooper brings this action seeking declaratory and injunctive relief, reinstatement, and monetary damages to redress Defendants' unlawful discrimination against her on the basis of her race and/or skin color, in violation of Section 1981 of the Civil Rights Act of 1866, 42 U.S.C. § 1981 *et seq.* ("Section 1981"), the New York State Human Rights Law, N.Y. Exec. Law § 290 *et seq.* ("NYSHRL") and the New York City Human Rights Law, N.Y. City Administrative Code § 8-101 *et seq.* ("NYCHRL").

JURISDICTION

5. This Court has subject matter jurisdiction over this case pursuant to 28 U.S.C. § 1331 because this is a civil action arising under Section 1981. This Court has supplemental jurisdiction over Plaintiff's NYSHRL and NYCHRL claims pursuant to 28 U.S.C. § 1367.

VENUE

6. Pursuant to 28 U.S.C. § 1391, venue is proper in the Southern District of New York because a substantial part of the events or omissions giving rise to this action

occurred in this District.

NOTICE

7. Within ten days of the filing of this Complaint, Plaintiff will serve a copy of the Complaint on the New York City Commission on Human Rights and the New York City Corporation Counsel, thereby satisfying the notice requirements of N.Y.C. Admin. Code § 8-502.

THE PARTIES

Plaintiff Melissa Cooper

8. Cooper resides and is domiciled in New York County, New York and is a citizen of New York.

9. Cooper was employed by Mass Appeal as a Development Consultant in its New York City Office from April 2021 to October 2022 and as Head of Development from October 2022 to June 30, 2023.

Defendant Mass Appeal Media Inc.

10. Mass Appeal Media Inc. is a Delaware limited liability company with its principal place of business and headquarters located at 381 Broadway, New York, New York 10013.

11. Mass Appeal is an entertainment company dedicated to telling stories from the perspective of those who shape and shift culture. Founded in 1996, Mass Appeal has grown to provide “the elevated voice of Hip Hop” and has integrated offerings in content, music, and creative services. More specifically, Mass Appeal now encompasses a magazine, website, film and television production, music label, and creative agency. The company is also known for one of its famous owners, Hip Hop artist Nasir bin Olu Dara Jones, known by his stage name “Nas.”

Defendant Peter Bittenbender

12. Defendant Peter Bittenbender resides and is domiciled in New York County, New York.

13. Bittenbender is Chief Executive Officer at Mass Appeal and one of Mass Appeal's owners.

Defendant Jenya Meggs

14. Defendant Jenya Meggs resides and is domiciled in Los Angeles County, California.

15. Meggs is Senior Vice President for Partnerships & Content Acquisition at Mass Appeal.

FACTUAL ALLEGATIONS

Cooper's Professional Background and Position at Mass Appeal

16. Cooper, a White female, was employed by Mass Appeal from April 2021 to June 30, 2023. From April 2021 to October 2022, Cooper served as a Development Consultant for Mass Appeal. She was promoted to the Head of Development in October 2022.

17. Prior to joining Mass Appeal, Cooper had over nineteen years of experience in television and entertainment, with a specific focus on Hip Hop centered programming.

18. Following her graduation from New York University where she received a Bachelor of Arts degree in creative writing, Cooper worked as an assistant for the Los Angeles literary and talent management company Handprint Entertainment, best known for producing *The Fresh Prince of Bel-Air*.

19. Following her time with Handprint, Cooper moved on to Vision Art Management, a literary agency known for packaging shows like *Will and Grace* and *Weeds*.

20. At Vision Art Management, Cooper acted as an assistant to Scott Schwartz and was later promoted to a junior agent.

21. In 2011, Cooper made the decision to return to New York and accepted a position as Michael Hirschorn's assistant at his then newly founded company, Ish Entertainment ("Ish"). Ish promoted Cooper to a joint role as Head of Talent and Senior Vice President of Development in 2015.

22. At Ish, Cooper was responsible for creating, developing, and packaging television shows, both scripted and unscripted, and documentaries that would be pitched to content distributors for production.

23. During her tenure at Ish, Cooper was involved in the packaging and selling of over fifteen different projects to media distributors, including *SAG Harbor* to the OWN network, *Styled by June* to the VH1 network, *Laurieann Gibson: Beyond the Spotlight* to the Lifetime network, *African America* to Hulu, *Money & Violence* to Lionsgate and the Starz network, *Kosher Soul* to the Lifetime network, and *Vow or Never: Jim Jones and Chrissy* to the WeTV Network.

24. In April 2021, Mass Appeal hired Cooper as a Development Consultant following her referral by Mass Appeal's then Chief Creative Officer, Sacha Jenkins, a Black male.

25. Mass Appeal hired Cooper to help identify, develop, and pitch programming projects to content distributors.

26. After her promotion to Head of Development in October 2022, Cooper took on a greater role in the development and creation of content, including identifying and recruiting talent, developing and maintaining relationships with directors and producers, overseeing pitch materials for the development team, and generally assisting Mass

Appeal in the selling of programming to television networks, studios, and streaming platforms.

Jenya Meggs and Mass Appeal

27. Jenya Meggs, a Black female, is Mass Appeal's Senior Vice President ("SVP") for Partnerships & Content Acquisition and is responsible for spearheading programming strategies and partnerships for Mass Appeal.

28. Meggs' role as an SVP for Mass Appeal gave her significant influence over the company's hiring and employment practices.

29. For example, Meggs referred her friend, Dr. Tana Session, for a Human Resources position with Mass Appeal and heavily influenced Mass Appeal's decision to hire her. Session is a Black female.

Meggs' Hostility to Cooper

30. On or about December 2021, Bittenbender, a White male, instructed Cooper and Phoenix Maulella, another White female, that Meggs needed to be on all initial development video calls for upcoming projects.

31. Bittenbender explained that Mass Appeal was putting this directive in place because Cooper and Maulella were White women and because Mass Appeal's projects were focused on the Black community. No other reason was provided for this directive.

32. In approximately July 2021, Cooper brought in and developed a documentary at Mass Appeal, *Freaknik: The Wildest Party Never Told* ("Freaknik"). Freaknik centers around the rise and fall of Freaknik, a spring break picnic, started by students in Atlanta attending Historically Black Colleges and Universities (*i.e.* HBCU's), that grew into a cultural movement centered around Black music, Black joy, and Black community that was eventually shut down by the City of Atlanta.

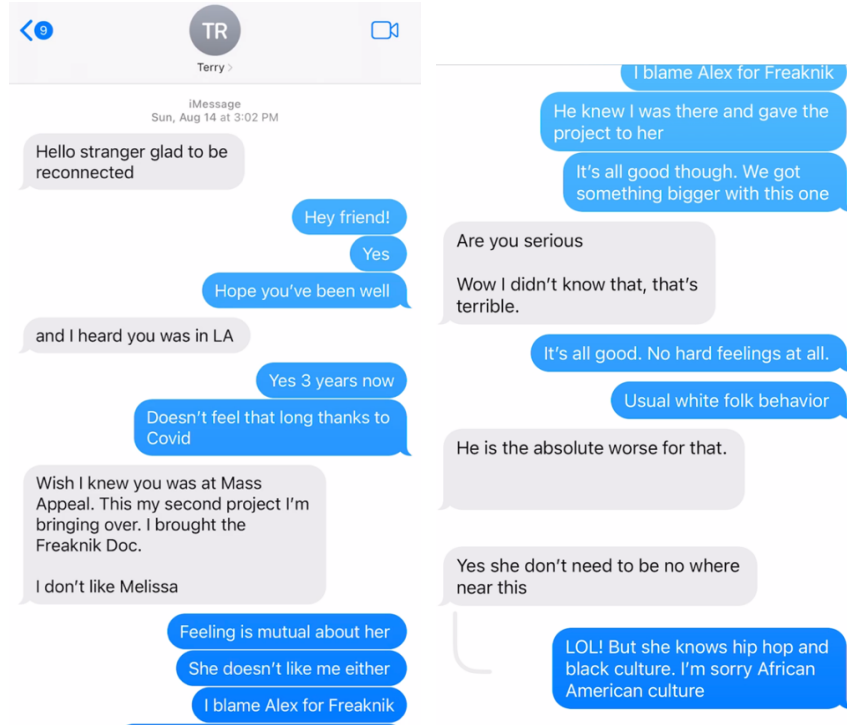
33. In April 2022, Mass Appeal sold Freaknik to Hulu, with the project becoming the company's first documentary sold to the streaming service.

34. Cooper played a pivotal role in developing the project and the pitch for Hulu and securing Hulu's decision to buy the project.

35. Meggs was not involved in any aspect of the Freaknik project.

36. During the course of her employment with Mass Appeal, Cooper was subject to hostility and adverse employment actions because of her race and skin color.

37. On August 14, 2022, Meggs texted with Terry Ross, an executive producer on Freaknik and a Black male. Ross texted Meggs that he was not aware that Meggs was at Mass Appeal, and that he had brought over Freaknik to Mass Appeal. Ross followed up by stating that he does not like Cooper. Meggs responded that the "Feeling is mutual about her," referring to her own animosity towards Cooper. Meggs also stated that Cooper does not like her either. Meggs then typed out, "I blame Alex for Freaknik." Meggs was referring to Alex Avant, an executive producer on Freaknik and a Black male with whom Cooper has a long-standing professional relationship. Meggs was upset that Avant had decided to pitch the Freaknik project to Cooper and not Meggs, since Avant knew that Meggs was at Mass Appeal as well. Ross responded with surprise and said that this was "terrible." Meggs then texted that there were no hard feelings before qualifying Cooper's selection for the Freaknik project as "Usual white folk behavior." These messages are shown below:

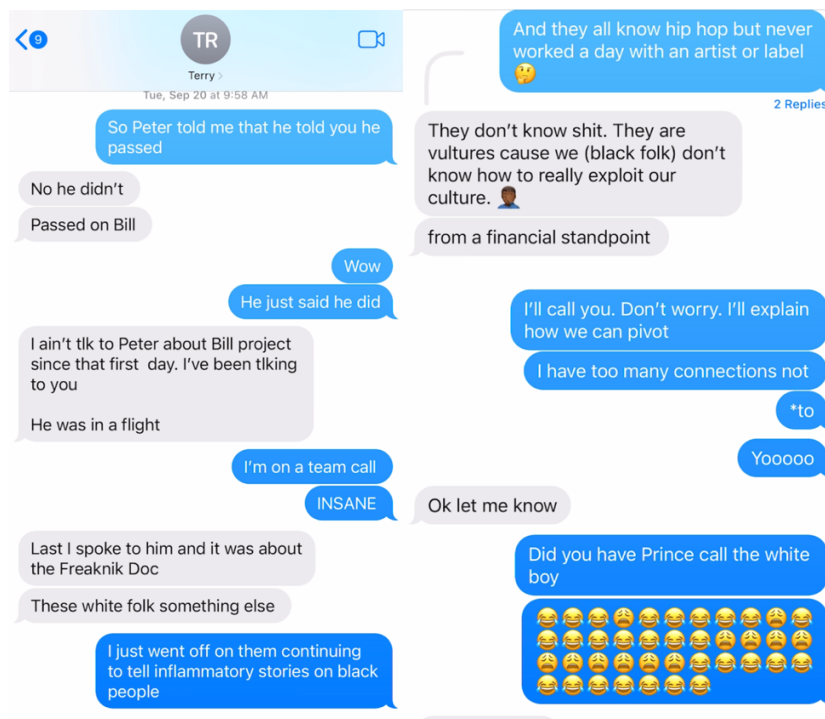


38. Days later, on August 16, 2022, Meggs and Ross texted about Cooper again, this time about a dispute Cooper and Meggs had earlier that day. Specifically, Meggs told Ross: “I just cussed Melissa [Cooper] out, She blatantly lied about a project to Peter [Bittenbender]. This is why I say repeat everything you told Peter [Bittenbender].” Ross responded to Meggs’ messages with “These Crackers are hilarious,” which Meggs reacted to by emphasizing the message in support. These messages are shown below:

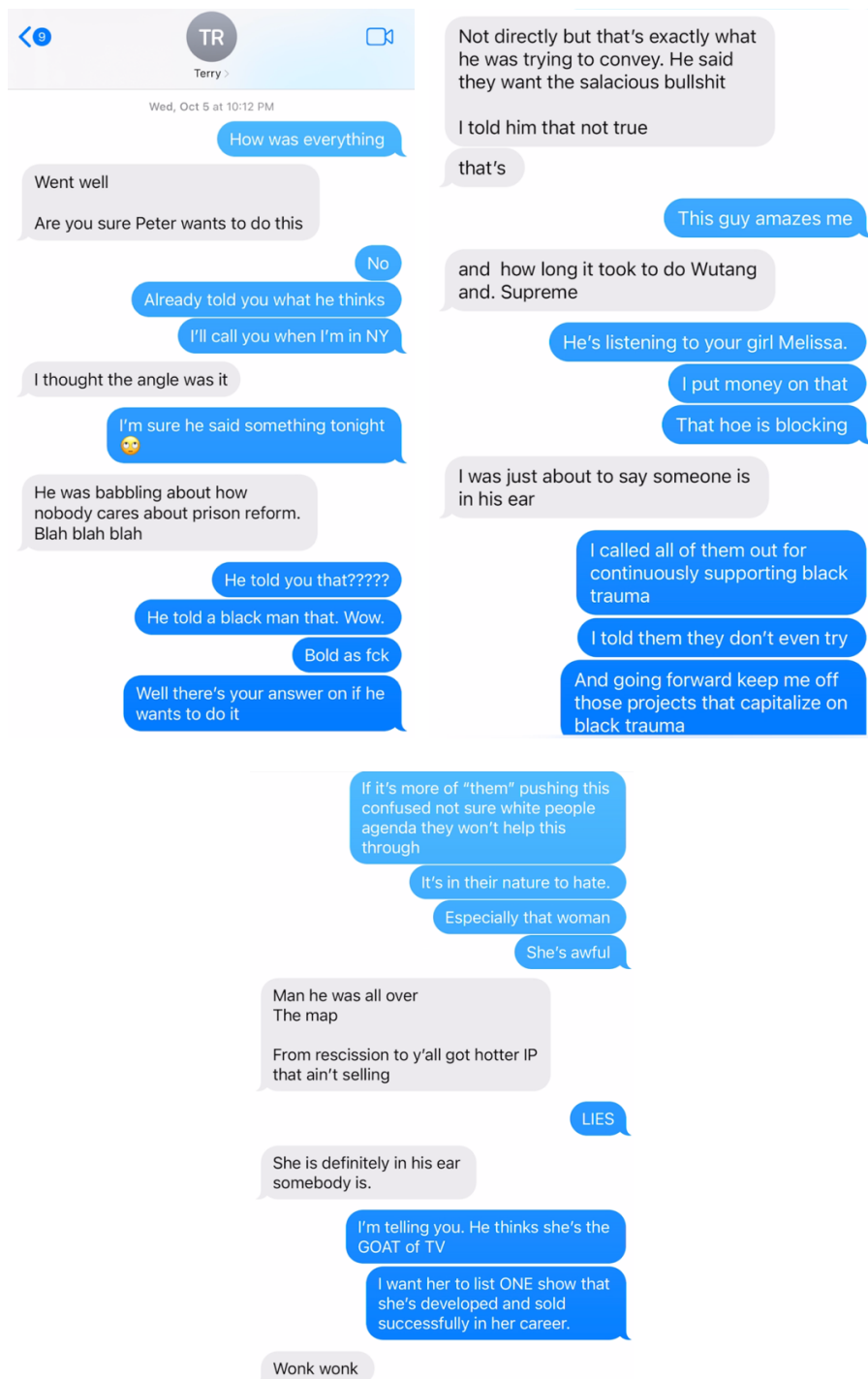


39. Meggs’ racialized and disparaging messages to Ross about Cooper and other White employees of Mass Appeal would continue throughout the Freaknik documentary’s development.

40. For example, on September 20, 2022, Ross and Meggs again exchanged racialized and hostile messages regarding White people in the Hip Hop industry. Specifically, Meggs texted Ross complaining about Bittenbender’s decision not to hire a candidate she had referred. Ross responded: “These white folk something else.” Meggs responded by stating that “they,” referencing White employees like Cooper and Bittenbender, were telling “inflammatory” stories about the Black community and that they lacked knowledge about Hip Hop. Ross responded by saying that “they,” White employees like Cooper and Bittenbender, “don’t know shit” and are “vultures.” Meggs then switched topics and asked Ross if he had someone referred to as “Prince” call “the white boy,” in reference to Bittenbender. These messages are shown below:



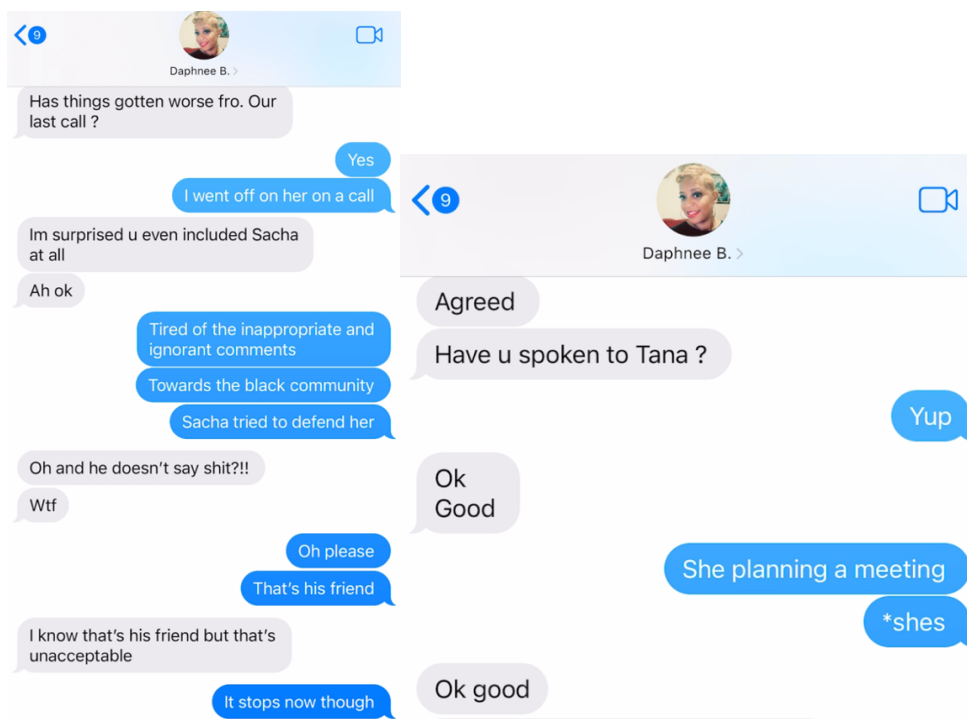
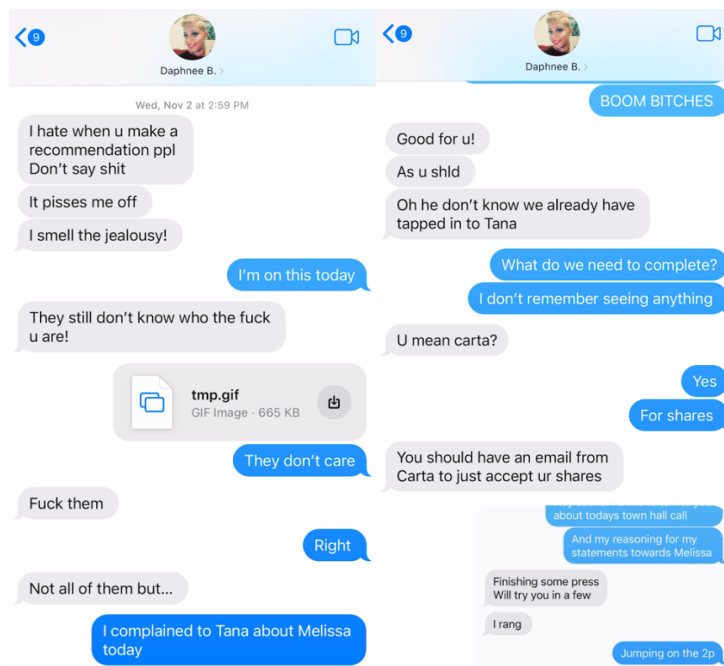
41. On October 5, 2022, Meggs had another racialized exchange with Ross while discussing Bittenbender's decision on a Mass Appeal project. Specifically, Ross texted about Bittenbender's statement that "nobody cares" about prison reform, to which Meggs responded with surprise that he said that to a Black man, in reference to Ross. Ross corrected her, stating that Bittenbender didn't directly say that nobody cared about prison reform, but Meggs responded by stating that Bittenbender was "listening to your girl Melissa [Cooper]." Meggs then said: "That hoe is blocking," in reference to Cooper. Later in the conversation, Meggs stated that "them," referring to White employees like Cooper and Bittenbender, were pushing a confused "white people agenda" and that it was in "their" (i.e. White people) nature to hate, "Especially that woman" in reference to Cooper. These messages are shown below:



42. On November 2, 2022, Cooper, Meggs, and Jenkins attended a meeting with two other Mass Appeal production employees, Peter Scalettar and Maulella. During the meeting, a potential project focusing on a “townhall” style event exploring the intersection between gun violence and Hip Hop was being discussed following the

shooting death of rapper Takeoff from the group Migos. Following Cooper's verbal support for the idea and expressing her opinion on the subject, Meggs verbally berated Cooper because Cooper "had no right to speak on it," in reference to the nexus of gun violence and Hip Hop.

43. Meggs informed Ross that she had gone to Human Resources following this incident. Meggs also reached out to Daphne Pierre, Mass Appeal's Head of Finance, to inform her of the same incident. In her messages with Pierre, Meggs stated that she had reported Cooper to Human Resources, to which Pierre responded in support and reiterated that "we," referencing Meggs and Pierre, had already "tapped in to Tana," in reference to Session, the Black woman and Human Resources professional that Meggs referred and helped hire at Mass Appeal. During the remainder of the text conversation with Pierre, Meggs accused Cooper of making inappropriate and "ignorant" comments toward the Black community and complained that "Sacha," in reference to Chief Creative Officer Jenkins, was defending her and that the two were friends. Meggs continued with "it stops now though" before noting that Session had set up a meeting between Cooper and Meggs, referencing a workplace mediation between Meggs and Cooper where Session was set to act as an "unbiased mediator." These messages are shown below:



44. The following day, November 3, 2022, Cooper also wrote to Session with an incident report detailing Meggs’ verbal assault. This report stated:

Dear Dr. Session,
I hope all is well with you.

We haven't met formally yet just on the company zoom meetings, but I am reaching out as I would like to get on record and hopefully discuss with you an incident that happened on a phone call yesterday between myself and my colleague, Jenya Meggs (Three other Mass Appeal colleagues of ours were also on the call). I'm not sure how much detail I should go into in an email, but the conversation was supposed to be a brainstorm about what Mass Appeal could do (is there a Town hall television special, etc..) to address the pervasive gun violence that is happening, especially affecting the Hip Hop community. As brainstorms go we started to have disagreements on the approach which rabbit holed into the topic of gun violence in Black communities. The conversation then proceeded to get very tense, and I felt as if I was personally being attacked by Jenya (other people on the call were saying the same things as me, but I was the one she went after). I will also say that on the call some of the others even acknowledged that they didn't understand or feel what Jenya was saying.

To be completely transparent there has been continual tension between Jenya and I since I started working at Mass Appeal in April 2021. I know there are three sides to every story, but I can honestly say I have always been kind to her, as I don't want to have conflict with someone I work with, and if we disagree on something, which is usually about content development / projects which is the department I work in, I am usually the one that backs down. I am not sure why, but I feel as if she always misconstrues what I am saying even when I am actually agreeing with her. I have never attacked her character the way she does mine and I can say the same for what happened yesterday.

After we hung up the call yesterday, I was so upset that I had to leave the office. This incident was definitely one that hit my breaking point. I hope this email is sufficient enough to give you an idea of the situation at hand.

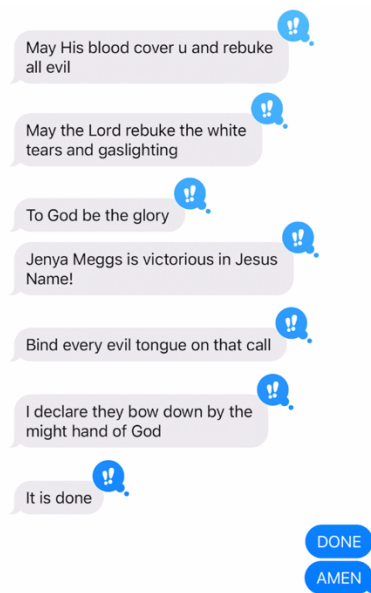
I would love the opportunity to speak further on this matter with you and hopefully you can guide us to a promising resolution. I love working at Mass Appeal, the work we do, the stories we tell, as well as the people who I get the privilege to work with on a daily basis.

However, what happened yesterday and what Jenya threw at me was so opposite of who I am as a human being that I needed to address it. Please let me know when you are free.

Thank you for your time.
Thank you kindly,
Melissa

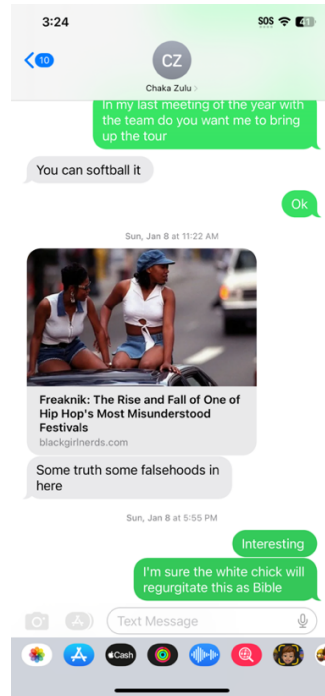
45. On November 7, 2022, Session held a mediation call between Cooper and Meggs, during which Cooper and Meggs both gave their version of events. During Meggs' version of events, Meggs told Cooper that Meggs "did not talk about your people," in reference to Cooper's Jewish heritage. Meggs also stated that Cooper "profited off of the demise of the Black community."

46. On November 22, 2022, Meggs received a prayer over text from Pierre asking that "the lord rebuke the white tears and gaslighting." Meggs emphasized each message of the prayer sent by Pierre, including the request pertaining to "white tears." She then responded with "DONE" and AMEN." Upon information and belief, this was in reference to Meggs' ongoing hostility to Cooper. These messages are shown below:



47. On November 28, 2022, Cooper and Meggs participated in another mediation call with Session, this time with Jenkins and Bittenbender in attendance. Following this second call, Cooper and Meggs agreed to attempt to work amicably.

48. On January 8, 2023, Meggs received a text message from Chaka Zulu stating that press related to Freaknik “[had] some truth some falsehoods in here.” Meggs responded, “Interesting” and “I’m sure the White Chick will regurgitate this as bible,” presumably in reference to Cooper given her past animosity to her involvement on Freaknik. The messages are included below:



49. Following the mediation calls, Cooper assisted Meggs with various projects, including one about the life of Paul Mooney, a famous Black comedian. Cooper wrote up most of the pitch deck, was heavily involved in the development and creative planning, and recommended Robert Townsend, an acclaimed director, to lead the project. Although Cooper had suggested the hiring of Townsend, Bittenbender assigned Meggs to contact him, ignoring the fact that Cooper suggested hiring Townsend and that packaging directors was a part of her role as Head of Development.

50. On Friday, March 3, 2023, Scalettar and Cooper were editing the Paul Mooney documentary deck to add in Robert Townsend's information. Meggs then informed them that they had to send the deck to William Morris Endeavor ("WME"), Mass Appeal's talent agents, that evening or they would risk losing Robert Townsend as a director. Cooper and Scalettar accepted and informed Meggs of the planned changes to the documentary deck via text and email before scrambling to incorporate the planned edits with Scalettar. The pair finished the work and sent the deck off to WME.

51. Later that night, Meggs sent an irate text message to Cooper and Scalettar chastising them as unprofessional because they did not send the deck with the new changes to her before it was sent to WME.

52. The following Tuesday, March 7, 2023, Meggs texted Bittenbender to complain that she would not deal "with this difficult team," in reference to Cooper and Scalettar. The messages are included below:



53. Later that same day, Cooper attempted to defuse the situation during a development call with the team on the Paul Mooney project by apologizing to Meggs for

not sending her the deck before sending it off to WME and insisting that it was not a sign of disrespect. Meggs ignored Cooper's efforts and instead yelled that Cooper "always played the victim" and "had no respect for the opinion of a Black woman." Despite Cooper's continued apologies and response that she was not intending to be disrespectful, Meggs continued to yell accusations at Cooper in front of other Mass Appeal employees.

54. Following this exchange, Cooper filed an incident report with Session about what had occurred in the development meeting. The report stated:

Dear Dr. Sessions,
I hope all is well with you.
I am reaching out as Jenya and I had a bit of a blowout today on a call and wanted you to be aware.

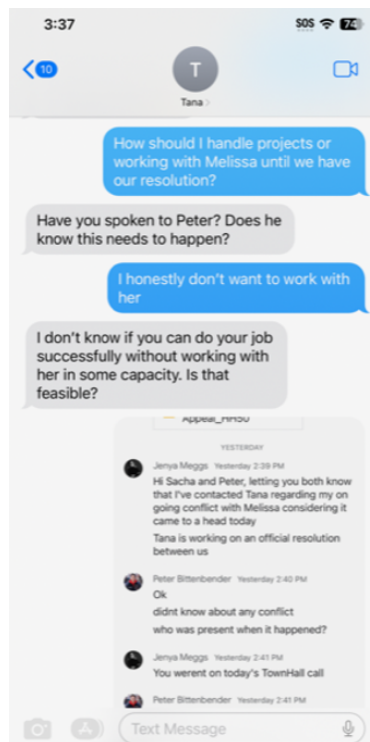
It involves a deck that was sent out to our agents in regards to a project we are developing. Jenya felt disrespected that we sent it out without her approval. This is actually a long story and happy to hop on a call to discuss further. However, when I told her there was no intention of disrespect (our other colleague Peter Scalletar reiterated my sentiment) she was not having it. After back and forth between the two of us (with Peter Scalletar siding with me), where she also told me "I always play the victim" she just hung up the call that everyone was on as she refused to discuss the issue or allow me to get a word in.

Before today, I thought Jenya and my relationship was doing fine. We were working together, I was helping on her projects and including her in mine... There have been no mishaps...until today. However, I feel that whenever Jenya is upset about something or I have a difference of opinion she goes zero to sixty and it's her way or the highway. I feel that is what happened today. And I will not be spoken to the way she speaks to me when she is upset.

I wanted you to be aware of the situation and hoping you can advise.
Thank you kindly,
Melissa

55. On March 10, 2023, Cooper and Session met to discuss the incident. Session told Cooper that she should not have said “I am sorry you felt that way” to Meggs, placing the blame for the incident on Cooper. Session then told Cooper that she would approach Meggs separately about the incident and give Cooper an update afterwards. Session never gave Cooper an update.

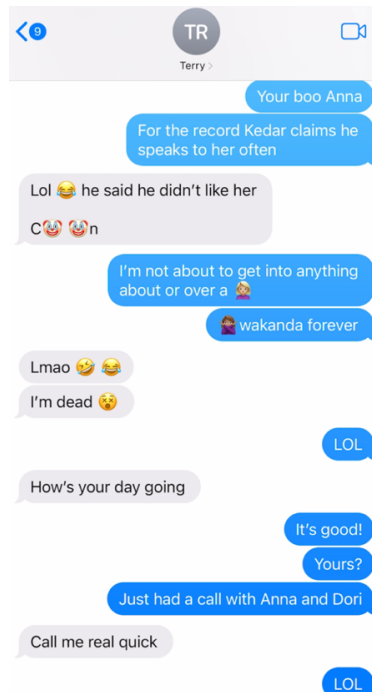
56. On March 23, 2023, Meggs communicated to Session via text that she refused to work with Cooper. In these messages, Meggs included a separate screenshot of messages between her, Bittenbender, and Jenkins, informing them of Session’s involvement and efforts towards “an official resolution” between Cooper and Meggs. Meggs would later inform Bittenbender and Jenkins that she would not be working with Cooper until a resolution was reached. The text messages are included below:



57. As a direct result of Meggs’ refusal to work with Cooper, Bittenbender removed Cooper from a number of projects, including Mass Appeal’s Hip Hop 50 Live concert at Yankee Stadium planned for August 11, 2023. Cooper’s removal from this

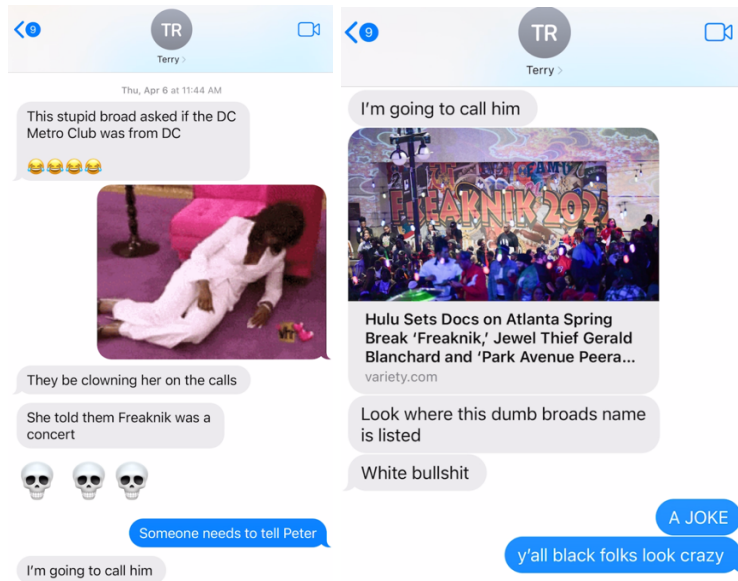
important project, along with others Meggs was staffed on, effectively stripped Cooper of her primary role at Mass Appeal.

58. On March 23, 2023, Meggs and Ross had another racially charged text conversation discussing a separate project involving Anna, a White female, and Kedar, a Black male. Meggs told Ross that Kedar stated he talked to Anna often, to which Ross acted surprised because Kedar had previously told him that he did not like Anna, and said Kedar was a “coon.” Ross spelled out the term “coon” by replacing each “o” with a clown emoji. Meggs responded “I’m not about to get into anything about or over a” and then included an emoji for a White, blonde woman. She followed up this message with an emoji for a Black woman followed by “Wakanda forever.” These text messages are included below:



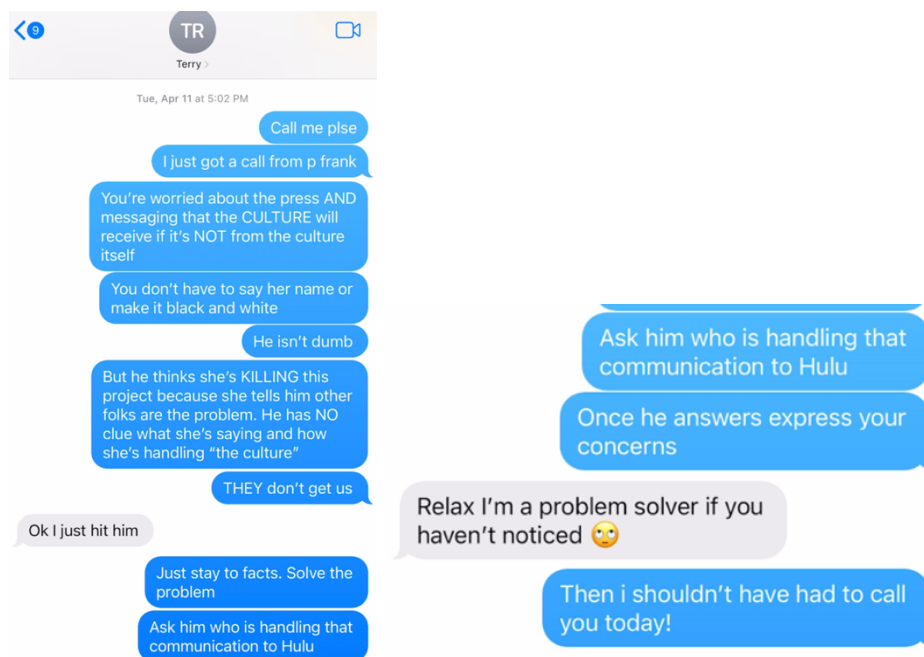
59. On April 6, 2023, Ross sent Meggs a text message calling an unnamed woman a “stupid broad” for asking if the DC Metro Club, a Spelman College student group that helped organize the first official Freaknik picnic, was from the District of

Columbia area. Meggs responded with a gif of a woman falling out of her chair in defeat, mocking the woman who asked the question, in likely reference to Cooper given her involvement in the Freaknik documentary. Ross then texted that the same woman stated Freaknik was a concert before Meggs replied that someone needs to tell Bittenbender. Ross texted that he is going to and followed up by sending Meggs an article from Variety magazine about the Freaknik documentary. Ross then sent another text stating, “Look where this dumb broads name is listed,” followed by “White bullshit.” Cooper was referenced in the article. Meggs responded saying “A JOKE” followed by “y’all black folks look crazy.” The text messages are included below:

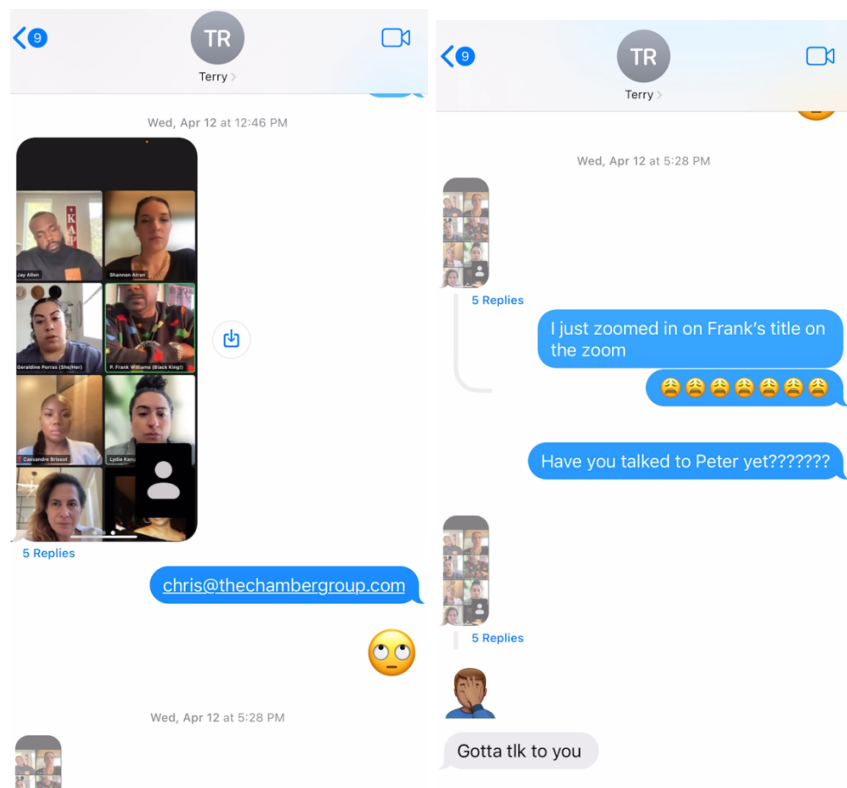


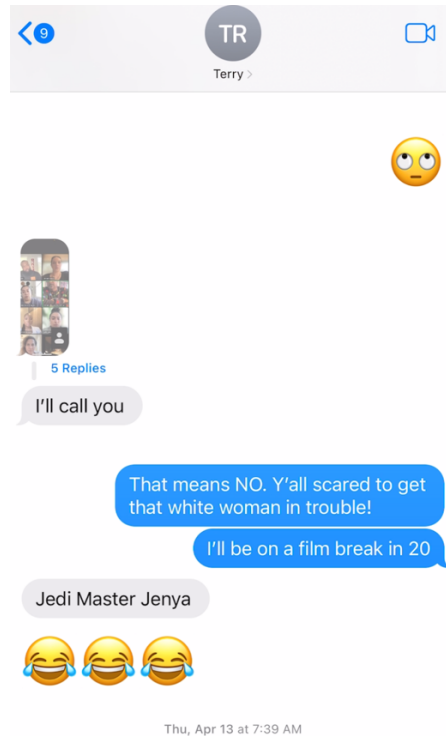
60. On April 11, 2023, Meggs texted Ross about Freaknik. She asked Ross to call her and said that P. Frank, referring to P. Frank Williams, director and executive producer on Freaknik and a Black male, had called her. Meggs prompted Ross to call P. Frank and say that he was also concerned about the press and that “the culture,” meaning Black culture, is not being accurately portrayed because “it’s NOT from the culture itself,” meaning a Black person is not handling the press for Freaknik. Meggs then provided

Ross with additional instructions, saying “You don’t have to say her name or make it black or white,” followed by “he [P. Frank] is not dumb.” Meggs was actively referring to coded racialized language in reference to Cooper, a White woman not a part of “the culture,” which P. Frank would recognize. Meggs then stated “THEY don’t get us,” with “THEY” referencing White members of Mass Appeal handling press for the Freaknik documentary. Of note, the underlying press release Ross and Meggs were discussing was released by Hulu. Ross responded with “Ok I just hit him,” meaning he reached out to P. Frank. Meggs responded to Ross by telling him “Just stay to facts, Solve the problem,” referring to Cooper’s involvement in Freaknik as the problem. She then prompted Ross to ask P. Frank “who is handling that communication to Hulu,” which was in reference to Cooper, who assumed that role for the project. Meggs then instructed Ross to express his concerns once P. Frank answered and Ross replied “Relax I’m a problem solver if you haven’t noticed” followed by an annoyed eye roll emoji. Meggs responded “Then I shouldn’t have had to call you Today!” The text messages are included below:



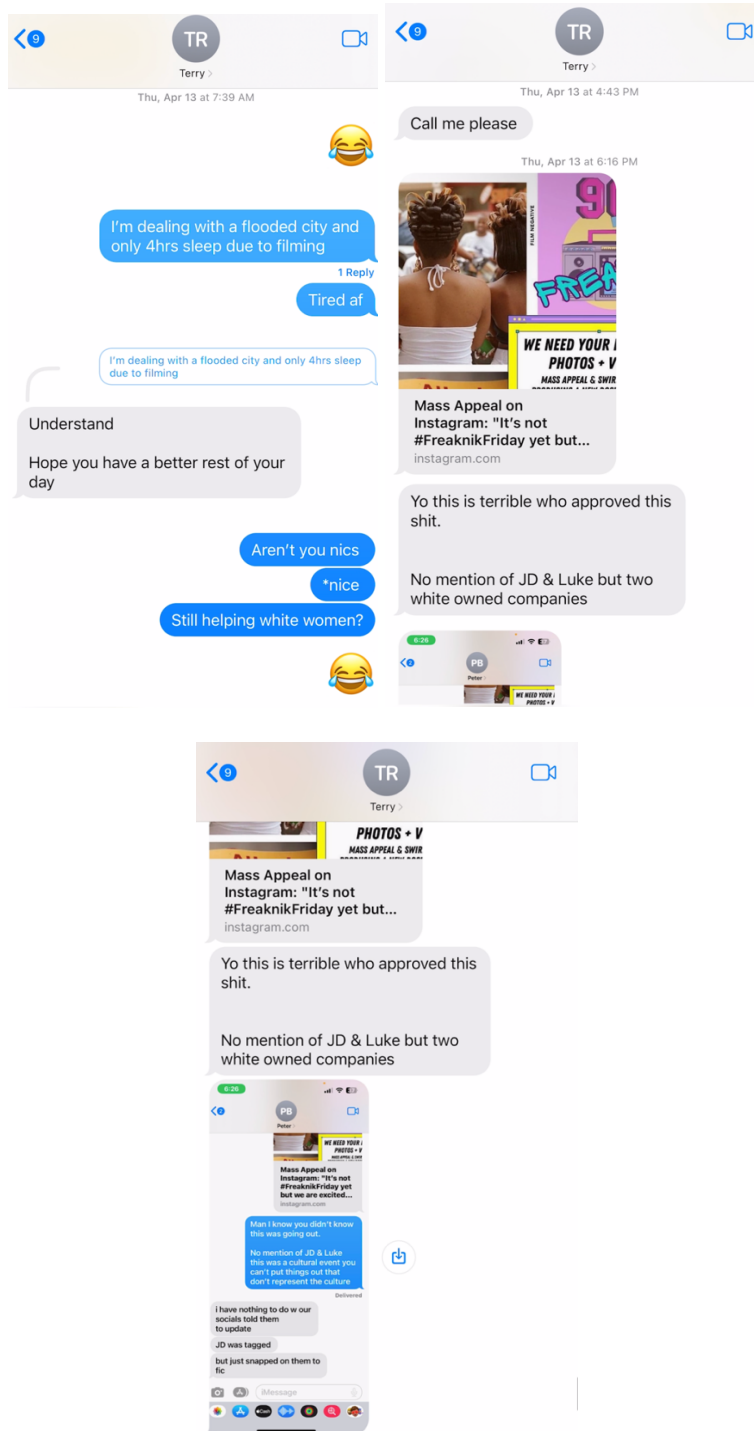
61. The following day, April 12, 2023, Ross sent Meggs a screenshot from his phone of a video call with a number of individuals on the screen, including Cooper and P. Frank. Meggs responded by pointing out and laughing at how P. Frank had named himself on the video call, in reference to the title “Black King” next to his name. Meggs then asked Ross if he had talked to Bittenbender yet, to which Ross replied with an emoji with its hand over its face followed by “Gotta [talk] to you.” Meggs responded with an emoji doing an eye roll alluding to annoyance. Ross then said “I’ll call you” before Meggs responded “That means NO. Y’all scared to get that white woman in trouble!,” in reference to Cooper and the previous conversation about getting her removed from the Freaknik documentary. Meggs then typed “I’ll be on a film break in 20,” alluding that they could speak in twenty minutes. Ross called Meggs “Jedi Master Jenya” before sending three laughing emojis. The text messages are included below:





62. On April 13, 2023, Meggs texted Ross saying she was dealing with a flooded city and only four hours of sleep due to filming. Meggs followed these texts up with “Tired af,” saying she is tired “as fuck.” Ross replied that he understands and hopes she has a better rest of her day, to which Meggs replied with “aren’t you nice,” followed by “still helping white women?” with an accompanying laughing emoji. Ross replied with “Bye Jenya,” also accompanied by a laughing emoji. Later that day, at around 4:43 p.m., Ross sent Meggs a text message asking her to call him. He then texted Meggs an Instagram post at 6:16 p.m. from Mass Appeal’s Instagram page related to Freaknik. Ross stated that the post was terrible and asked who approved it before stating that the post did not mention “JD” or “Luke” and only referenced two “white owned companies.” Ross then sent Meggs a screenshot from a conversation between Ross and Bittenbender where Ross addresses the post and says that he knows Bittenbender did not approve the Instagram post but asking why “JD” and “Luke” were not mentioned and stating that this was a “culture event” and that they cannot put things out that “don’t represent the

culture.” Bittenbender responded by saying he was uninvolved with Mass Appeal’s socials but that “JD” was tagged and that he “just snapped” on them to fix it, them referring to the social media team. The messages are included below:



63. As a result of Meggs' repeated and successful efforts to reduce Cooper's role at Mass Appeal and have her removed from various projects, Cooper's influence and responsibilities at Mass Appeal were drastically reduced. Consequently, Cooper became expendable.

64. On June 16, 2023, Bittenbender told Cooper that she was being terminated from Mass Appeal. Although Bittenbender explained the termination was because of the state of the industry in the United States and because the company had not "sold enough," no other individual of similar experience or rank at Mass Appeal was terminated.

65. Bittenbender asked Cooper to stay on as a consultant for the few remaining projects she still had to mitigate harm to Mass Appeal's relationships with the talent and content distributors associated with those projects and told Cooper her last day of employment would be June 30, 2023.

Michael Harris

66. On June 17, 2023, Michael Harris, Megg's "jilted lover," sent Bittenbender the following email:

Dear Peter,

I hope this message finds you well. My name is Michael Harris, the ex-lover of Jenya Meggs. Before I proceed, I must confess that my intentions in contacting you are not entirely honorable. Before becoming a jilted lover, I had envisioned spending the rest of my life with Jenya, and her betrayal has left me devastated so I am seeking solace in the form of retribution. While I recognize that this approach may taint my credibility, I still believe it is crucial to shed light on the actions that could be highly detrimental to your organization's reputation and success.

During the course of our relationship, I uncovered some disconcerting information about Jenya's personal and professional conduct.

I am aware that Jenya has taken precautions to prevent any conversations that might reveal her actions. She understands the potential impact it could have on her career, which is why I have chosen to reach out to you in this manner. I believe you deserve to know the truth and have the opportunity to address this matter. I have evidence that indicates Jenya's involvement in activities that are detrimental to your company. I know Jenya and I am quite certain she is feverishly, trying to put all the pieces in place before I expose her. I have text messages, witness accounts, and other forms of evidence that I believe will be of great interest to you.

Trust is a vital foundation in any professional relationship, and it must be immensely disheartening to discover that someone you trusted could betray that trust so profoundly. However, I firmly believe that it is essential to expose her for who she truly is.

Please let me know how you would like to proceed, as I am fully prepared to provide you with the evidence and offer any assistance you may require.

Thank you for taking the time to read this message. I trust that you will make the appropriate decisions to address this situation. I am available at your convenience and ready to assist in any way possible.

Sincerely,
Michael Harris

67. On June 22, 2023, Harris called Cooper and told her that Meggs had “conspired” with Session and Pierre to force Mass Appeal to terminate Cooper’s employment.

68. Harris provided Cooper with text messages (quoted in this Complaint) from Meggs’ phone showing repeated derogatory and racist references to Cooper.

69. Harris also revealed that he was on the November 28, 2022, call between Cooper, Meggs, and Session. In an email summary about the November 28, 2022 call sent to Cooper and other employees of Mass Appeal, Harris wrote:

Tana mediated a conflict resolution between Jenya and Melissa with Peter B. Present. What Peter and Melissa didn’t know was that Jenya and Tana had drafted their strategy and

talking point before the group call (I heard the whole thing, Jenya loved for me to hear her power moves and put those calls on speaker for her enjoyment). Jenya put the conflict resolution call meeting on speaker with mute enabled and no video, again I was present at Jenya's. It was a bleed bath, Jenya and Tana dismantled that woman and when Melissa was trying to make a point, Tana was ready with the predetermined counterpoint and shut her down. They brought that woman to tears and figuratively high fived each other on their private call after the meeting. Laughing about Melissa queued "the white tears."

70. Harris had a unique window into Megg's racism and stated as follows:

Melissa: sacrificial pawn. From the moment Jenya felt Melissa crossed her, that woman didn't stand a chance. I have Jenya's text messages and listened to calls of Jenya sabotaging Melissa's Freaknik project. Text messages of Jenya asking her connections on Freaknik to screw Melissa by reporting damning things to Peter B. Out of self-preservation Jenya's requests went mostly unanswered but I think that has more to do with their own self-interest in wanting the project to be a success, but that didn't stop Jenya from masking. Jenya would say she had the power to shut Freaknik and Melissa down. Jenya told me "I will drag that ho for fucking with me." And that she would make her life miserable for the rest of her Mass Appeal employment.

71. Cooper immediately forwarded the text message and emails provided by Harris to Bittenbender.

72. The following day on June 23, 2023, Bittenbender and Cooper spoke over the phone about the text messages and Harris' emails. When Cooper told Bittenbender she was discriminated against by Meggs, Bittenbender responded by telling her "I am sorry you had to read this but this isn't illegal."

73. Following the conversation, Bittenbender and Mass Appeal conducted no investigation into Melissa's claims of racial discrimination.

74. Melissa's last day with Mass Appeal was on June 30, 2023.

75. Meggs is still employed by Mass Appeal and has not had any disciplinary actions taken against her for her racist conduct.

76. As a consequence of Meggs' race- and color-based animus towards Cooper as a White woman, Mass Appeal and Bittenbender unlawfully discriminated against Cooper by removing her from several high value projects, creating a hostile work environment, and terminating her employment.

FIRST CLAIM
(Section 1981 – Race Discrimination)

77. Plaintiff repeats and incorporates all foregoing paragraphs by reference.

78. Defendants discriminated against Plaintiff on the basis of her race and/or color in violation of Section 1981 by denying Plaintiff equal terms and conditions by, *inter alia*, terminating her employment because of her race and/or color as described herein.

79. As a direct and proximate result of Defendants' unlawful and willful discriminatory conduct in violation of Section 1981, Plaintiff has suffered and continues to suffer emotional distress, including embarrassment, humiliation, stress, anxiety and mental anguish.

80. As a direct and proximate result of Defendants' unlawful and willful discriminatory conduct in violation of Section 1981, Plaintiff has suffered and continues to suffer monetary and/or economic harm.

81. Defendants' unlawful discriminatory actions in violation of Section 1981 were intentional or done with reckless indifference to Plaintiff's rights.

82. As a result of Defendants' unlawful discriminatory conduct, Plaintiff is entitled to all remedies and relief afforded by Section 1981, including but not limited to declaratory and injunctive relief, compensatory damages, emotional distress damages, punitive damages, and attorneys' fees and costs.

**SECOND CLAIM
(NYSHRL - Discrimination)**

83. Plaintiff repeats and incorporates all foregoing paragraphs by reference.

84. At all relevant times, Defendant Mass Appeal was Plaintiff's employer as defined by the NYSHRL, N.Y. Exec. Law § 292(5).

85. Defendants discriminated against Plaintiff in violation of the NYSHRL, N.Y. Exec. Law § 296 *et seq.*, by, *inter alia*, creating a hostile work environment and terminating Plaintiff's employment because of her race and color as described herein.

86. Individual Defendants Meggs and Bittenbender are individually liable under the NYSHRL because they directly participated in or knowingly and maliciously aided and abetted the unlawful discriminatory practices.

87. As a direct and proximate result of Defendants' unlawful and willful discriminatory conduct in violation of the NYSHRL, Plaintiff has suffered and continues to suffer mental anguish and emotional distress, including but not limited to depression, humiliation, embarrassment, loss of self-esteem and self-confidence, and emotional pain and suffering.

88. As a direct and proximate result of Defendants' unlawful and willful discriminatory conduct in violation of the NYSHRL, Plaintiff has suffered and continues to suffer monetary and/or economic damages, including but not limited to loss of past and future income, compensation, and benefits.

89. Defendants' unlawful and discriminatory actions constitute malicious, willful and wanton violations of the NYSHRL or were done with reckless disregard for Plaintiff's rights.

90. As a result of Defendants' unlawful discriminatory conduct, Plaintiff is entitled to all remedies and relief afforded the NYSHRL, including but not limited to

declaratory and injunctive relief, monetary, damages, emotional distress damages, punitive damages, and attorneys' fees and costs.

**THIRD CAUSE OF ACTION
(NYCHRL - Discrimination)**

91. Plaintiff repeats and incorporates all foregoing paragraphs by reference.

92. At all relevant times, Defendant Mass Appeal was Plaintiff's employer for purposes of the NYCHRL.

93. Defendants discriminated against Plaintiff in violation of the NYCHRL by, *inter alia*, creating a hostile work environment and terminating Plaintiff's employment because of her race, and color as described herein.

94. Individual Defendants Meggs and Bittenbender are individually liable under the NYCHRL because they directly participated in or knowingly and maliciously aided and abetted the unlawful discriminatory practices

95. As a direct and proximate result of Defendants' unlawful and willful discriminatory conduct in violation of the NYCHRL, Plaintiff has suffered and continues to suffer mental anguish and emotional distress, including but not limited to depression, humiliation, embarrassment, loss of self-esteem and self-confidence, and emotional pain and suffering.

96. As a direct and proximate result of Defendants' unlawful and willful discriminatory conduct in violation of the NYCHRL, Plaintiff has suffered and continues to suffer monetary and/or economic damages, including but not limited to loss of past and future income, compensation, and benefits.

97. Defendants' unlawful and discriminatory actions constitute malicious, willful and wanton violations of the NYCHRL or were done with reckless disregard for Plaintiff's rights.

98. As a result of Defendants' unlawful discriminatory conduct, Plaintiff is entitled to all remedies and relief afforded the NYSHRL, including but not limited to declaratory and injunctive relief, monetary, damages, emotional distress damages, punitive damages, and attorneys' fees and costs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

- a. declare that Defendants' actions as described in this Complaint violated Section 1981, the NYSHRL, and the NYCHRL;
- b. enjoin and permanently restrain Defendants' violations of Section 1981, the NYSHRL, and the NYCHRL;
- c. order Defendants to reinstate Plaintiff to her position;
- d. award Plaintiff back pay, front pay, and liquidated damages;
- e. award Plaintiff compensatory damages for emotional distress, pain, and suffering;
- f. award Plaintiff punitive damages;
- g. award Plaintiff her reasonable attorneys' fees and expenses;
- h. award Plaintiff pre- and post-judgment interest;
- i. award Plaintiff such other and further relief as the Court deems just and proper.

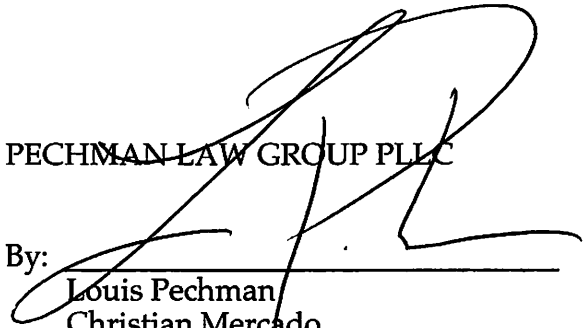
JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues of fact and damages stated herein.

Dated: October 17, 2023
New York, New York

~~PECHMAN LAW GROUP PLLC~~

By:



Louis Pechman
Christian Mercado
488 Madison Avenue, 17th Floor
New York, New York 10022
Tel.: (212) 583-9500
pechman@pechmanlaw.com
mercado@pechmanlaw.com

Attorneys for Plaintiff