



**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN FRANCISCO**

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May-10-2012 3:01 pm

Case Number: CGC-12-520719

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COMPLAINT

ELLEN PAO VS. KLEINER PERKINS CAUFIELD & BYERS LLC et al

001C03610768

**Instructions:**

Please place this sheet on top of the document to be scanned.

**SUMMONS  
(CITACION JUDICIAL)**

**SUM-100**

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

**NOTICE TO DEFENDANT: KLEINER PERKINS CAUFIELD & BYERS  
(AVISO AL DEMANDADO): LLC AND DOES 1-20**

**YOU ARE BEING SUED BY PLAINTIFF: ELLEN PAO  
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:  
(El nombre y dirección de la corte es):  
San Francisco Superior Court  
400 McAllister Street

CASE NUMBER  
(Número del Caso)

CGC-12-520719

San Francisco, CA 94102

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Alan B. Exelrod (SBN: 50467)  
Rudy, Exelrod, Zieff & Lowe, LLP  
351 California Street, Suite 700  
San Francisco, CA 94104

**CLERK OF THE COURT**

(415) 434-9800 (415) 434-0513

**D. STEPPER**

DATE: MAY 10 2012 Clerk, by \_\_\_\_\_ Deputy  
(Fecha) (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

**NOTICE TO THE PERSON SERVED:** You are served

- 1.  as an individual defendant.
- 2.  as the person sued under the fictitious name of (specify):
- 3.  on behalf of (specify):

- under:
- CCP 416.10 (corporation)
  - CCP 416.20 (defunct corporation)
  - CCP 416.40 (association or partnership)
  - other (specify):
  - CCP 416.60 (minor)
  - CCP 416.70 (conservatee)
  - CCP 416.90 (authorized person)

- 4.  by personal delivery on (date):



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, Street number, and address)

FOR COURT USE ONLY

Alan B. Exelrod (SBN: 50467)
Rudy, Exelrod, Zieff & Lowe, LLP
351 California Street, Suite 700

San Francisco, CA 94104

TELEPHONE NO.: (415) 434-9800

FAX NO. (415) 434-0513

ATTORNEY FOR (Name): Ellen Pao

FILED
Superior Court of California
County of San Francisco

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco

STREET ADDRESS: 400 McAllister Street

MAILING ADDRESS

CITY AND ZIP CODE: San Francisco, CA 94102

BRANCH NAME: San Francisco

MAY 10 2012

CLERK OF THE COURT

BY: D. STEPP Deputy Clerk

CASE NAME: Pao v. Kleiner Perkins Caufield & Byers, LLC

CIVIL CASE COVER SHEET

[X] Unlimited (Amount demanded exceeds \$25,000)
[ ] Limited (Amount demanded is \$25,000 or less)

Complex Case Designation
[ ] Counter [ ] Joinder
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER CGC-12-520719

JUDGE

DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort

- [ ] Auto (22)
[ ] Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- [ ] Asbestos (04)
[ ] Product liability (24)
[ ] Medical malpractice (45)
[ ] Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort

- [ ] Business tort/unfair business practice (07)
[ ] Civil rights (08)
[ ] Defamation (13)
[ ] Fraud (16)
[ ] Intellectual property (19)
[ ] Professional negligence (25)
[ ] Other non-PI/PD/WD tort (35)

Employment

- [ ] Wrongful termination (36)
[X] Other employment (15)

Contract

- [ ] Breach of contract/warranty (06)
[ ] Rule 3.740 collections (09)
[ ] Other collections (09)
[ ] Insurance coverage (18)
[ ] Other contract (37)

Real Property

- [ ] Eminent domain/Inverse condemnation (14)
[ ] Wrongful eviction (33)
[ ] Other real property (26)

Unlawful Detainer

- [ ] Commercial (31)
[ ] Residential (32)
[ ] Drugs (38)

Judicial Review

- [ ] Asset forfeiture (05)
[ ] Petition re: arbitration award (11)
[ ] Writ of mandate (02)
[ ] Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)

- [ ] Antitrust/Trade regulation (03)
[ ] Construction defect (10)
[ ] Mass tort (40)
[ ] Securities litigation (28)
[ ] Environmental/Toxic tort (30)
[ ] Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

- [ ] Enforcement of judgment (20)

Miscellaneous Civil Complaint

- [ ] RICO (27)
[ ] Other complaint (not specified above) (42)

Miscellaneous Civil Petition

- [ ] Partnership and corporate governance (21)
[ ] Other petition (not specified above) (43)

2. This case [ ] is [X] is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. [ ] Large number of separately represented parties d. [ ] Large number of witnesses
b. [ ] Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. [ ] Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
c. [ ] Substantial amount of documentary evidence f. [ ] Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. [X] monetary b. [X] nonmonetary; declaratory or injunctive relief c. [X] punitive

4. Number of causes of action (specify): Three (3): Government Code § 12940(a); § 12940(h); § 12940(k)

5. This case [ ] is [X] is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: MAY 10 2012
Alan B. Exelrod (SBN: 50467)

[Signature]

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
• File this cover sheet in addition to any cover sheet required by local court rule.
• If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
• Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

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12 Attorneys for Plaintiff

ENDORSED  
FILED  
San Francisco County Superior Court

MAY 10 2012

CLERK OF THE COURT  
BY: DEBORAH STEPPE  
Deputy Clerk

D. STEPPE

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 IN AND FOR THE COUNTY OF SAN FRANCISCO

11 ELLEN PAO,

12 Plaintiff,

13 vs.

14 KLEINER PERKINS CAUFIELD &  
15 BYERS LLC AND DOES 1-20.

16 Defendants.

Case No. CGC-12-520719

COMPLAINT FOR DAMAGES

JURY TRIAL DEMANDED

17  
18 Plaintiff complains and alleges as follows:

19 INTRODUCTION

20 1. Plaintiff Ellen Pao is an accomplished venture capital professional at Defendant  
21 Kleiner Perkins Caufield & Byers, LLC ("KPCB"). This case concerns KPCB's discriminatory  
22 treatment of Plaintiff and other female employees, specifically in advancement and  
23 compensation, because of their gender. Moreover, Plaintiff experienced continuing retaliation  
24 after she complained about sexual harassment to the highest level of management of KPCB.  
25 KPCB violated its obligation to take all reasonable steps to prevent discrimination and retaliation  
26 from occurring.

27 ///

28 ///

**PARTIES AND JURISDICTION**

1  
2           2.       Plaintiff is an employee of KPCB. She has worked for KPCB in San Francisco  
3 County, California and resides in San Francisco County. She meets with companies that KPCB  
4 has funded or considers funding and with entrepreneurs and executives in San Francisco County,  
5 and she works from her home in the evenings and weekends.

6           3.       Plaintiff is informed and believes, and thereon alleges, that KPCB is a corporation  
7 doing business in San Francisco County, California and at relevant times has had an office in San  
8 Francisco County at which Plaintiff has at times worked. KPCB funds companies in San  
9 Francisco County and frequently hosts events for entrepreneurs in San Francisco County.

10          4.       Plaintiff is further informed and believes, and thereon alleges, that each defendant  
11 named herein Does 1 through 20, inclusive, was, at all times relevant to this action, the agent,  
12 employee, or joint venturer of the remaining defendants and was acting within the course and  
13 scope of that relationship. The true names and capacities of the defendants named herein Does 1  
14 through 20, inclusive, whether individual, corporate, associate, or otherwise, are unknown to  
15 Plaintiff, who therefore sues such defendants by fictitious names pursuant to California Code of  
16 Civil Procedure section 474. Plaintiff will amend this Complaint to show such true names and  
17 capacities of Does 1 through 20, inclusive, when they have been determined.

**FACTS COMMON TO ALL CAUSES OF ACTION**

18  
19          5.       Plaintiff is a graduate of Princeton University with a degree in Electrical  
20 Engineering and a certificate from the Woodrow Wilson School of Public and International  
21 Affairs. Following her undergraduate education, she received a Juris Doctor degree from  
22 Harvard Law School with honors. She then worked as a lawyer at Cravath, Swaine & Moore.  
23 After Cravath, she entered Harvard Business School and graduated with a Masters of Business  
24 Administration degree with distinction. Following her graduation from business school, she  
25 worked at technology-related firms, including Microsoft Corporation, Tellme Networks, Danger  
26 Research and BEA Systems, Inc., for seven years with increasing responsibility. She is also a  
27 member of the 2007 class of Henry Crown Fellows at the Aspen Institute.

28 ///

1           6.       KPCB is a venture capital firm. It raises funds from institutional investors,  
2 wealthy individuals and its own employees, and invests the money in technology companies. It  
3 invests amounts ranging from \$100,000 to \$50,000,000 and sometimes more in companies to  
4 help fund their growth. Its investments include Google Inc., Facebook Inc. and Genentech.  
5 KPCB also provides strategic advice and a network of relationships to the companies it supports,  
6 and KPCB employees usually hold seats on the Boards of Directors of its companies. KPCB  
7 invests in companies in the digital technology, greentech, and life sciences sectors. When these  
8 companies generate returns by being acquired, by going public and issuing stock or by  
9 distributing gains, KPCB generates returns for itself and the investors from whom it raised funds.  
10 KPCB is headed by Managing Partners, who manage the firm, including its investment team of  
11 Senior Partners and Junior Partners.

12           7.       In February 2005 KPCB was seeking to hire a Chief of Staff for John Doerr, one  
13 of the Managing Partners. Plaintiff applied for the position and was hired in June 2005 after an  
14 extensive interview process. Her title was Junior Partner, and initial job responsibilities were to  
15 manage projects and new initiatives of Mr. Doerr, to identify potential digital technology  
16 investments for KPCB to fund, to interview executives, to help raise financings, to serve as a  
17 board observer, to help write Mr. Doerr's speeches and articles, and to support firm activities.  
18 She was told if she was successful in this role, she would move to a full-time investing role after  
19 three years.

20           8.       In February 2006 Plaintiff and another Junior Partner, Ajit Nazre, went on a  
21 business trip to Germany. Mr. Nazre had the same job title as Plaintiff, but had been with the  
22 firm since 2003, two years longer than Plaintiff, and directed some of her work, including the  
23 Germany trip. Mr. Nazre made inappropriate sexual approaches to Plaintiff on that trip. She  
24 rebuffed his advances. Mr. Nazre responded to her rebuff of his advances by becoming brusque  
25 and distant. He also had strong influence over how other partners at the firm would view  
26 Plaintiff, specifically Ray Lane, a Managing Partner and Mr. Nazre's sponsor and mentor. From  
27 March to October 2006, Mr. Nazre continued to pressure Plaintiff to have a sexual relationship  
28 with him. Mr. Nazre falsely told her that his wife had left him. When Plaintiff refused his

1 advances, Mr. Nazre engaged in offensive, obstructionist and difficult behavior toward Plaintiff.  
2 Plaintiff eventually succumbed to Mr. Nazre's insistence on sexual relations on two or three  
3 occasions. In October 2006 Plaintiff informed Mr. Nazre that she would no longer have a  
4 personal relationship with him. Mr. Nazre started a consistent pattern of retaliation against her.

5 9. Over the course of more than five years, Mr. Nazre engaged in retaliation against  
6 Plaintiff. He excluded her from numerous business meetings. He removed her from business  
7 email discussions where she had initially been included. He failed to share information required  
8 for her job. He prevented her from interviewing potential new employees. In one case, Mr.  
9 Nazre approached the CEO of a company sponsored by Plaintiff and asked the CEO to join the  
10 board of a different company sponsored by Mr. Nazre. Mr. Nazre failed to consult or inform  
11 Plaintiff. When Plaintiff reported Mr. Nazre's actions, she was told that it was unfair, that it  
12 would never have happened to a male partner, but that she should just accept it.

13 10. For Valentine's Day 2007 Senior Partner Randy Komisar came into Plaintiff's  
14 office and gave her a book entitled "The Book of Longing" by Leonard Cohen, inscribed with a  
15 handwritten note from Mr. Komisar to Plaintiff. The book contains many sexual drawings and  
16 poems with strong sexual content. At about the same time, Mr. Komisar asked Plaintiff out to a  
17 Saturday night dinner, telling Plaintiff that his wife would be out of town. Plaintiff turned down  
18 his offer of dinner. Plaintiff considered the book and the one-on-one, weekend-night dinner  
19 invitation to be inappropriate in the workplace.

20 11. Upon information and belief, at least three administrative assistants complained  
21 that they were being harassed or discriminated against by KPCB partners in May 2007. After  
22 hearing of these complaints, Plaintiff expressed concern and warned KPCB's Chief Operating  
23 Officer about Mr. Nazre with the intent of helping the firm avoid future problems. KPCB  
24 engaged an outside investigator in response to the complaints of the administrative assistants.  
25 The investigator interviewed Plaintiff, but did not ask any questions related to inappropriate  
26 behavior by Mr. Nazre.

27 12. In late June 2007 Plaintiff reported Mr. Nazre's sexual harassment and retaliatory  
28 behavior to two Managing Partners, Ted Schlein and Ray Lane, and to a Senior Partner, Juliet de

1 Baubigny. After weeks without a response, Plaintiff told John Doerr about Mr. Nazre's  
2 inappropriate behavior. Plaintiff also told Mr. Doerr that Randy Komisar had given her a book  
3 with sexualized content and had asked her out to dinner, and that she found this behavior  
4 inappropriate. She requested that the firm provide sexual harassment training as required by law.

5 13. Upon information and belief, Ray Lane and John Doerr discussed how to respond  
6 to Plaintiff. Ray Lane met with Plaintiff. While acknowledging that Mr. Nazre's behavior was  
7 inappropriate, Mr. Lane pressured Plaintiff to drop the matter because of Mr. Lane's close ties  
8 with and mentorship of Mr. Nazre. Though Plaintiff had formally complained about Mr. Nazre's  
9 behavior, Mr. Lane encouraged Plaintiff to engage in a personal relationship with Mr. Nazre and  
10 even to marry him. Mr. Lane said, however, that in such case, either Plaintiff or Mr. Nazre  
11 would have to leave the firm because two spouses could not work together at KPCB. Mr. Lane  
12 said he and Mr. Nazre had discussed Plaintiff's report of sexual harassment.

13 14. KPCB was aware of and did not take reasonable steps to prevent retaliation and  
14 gender discrimination. KPCB management was aware of and did not prevent Mr. Nazre from  
15 engaging in repeated retaliatory behavior for nearly five years. Following her formal complaint  
16 described above, Ray Lane insisted that Plaintiff have a one-on-one lunch with Mr. Nazre outside  
17 the office to discuss their relationship. Plaintiff saw no choice but to comply with the demand of  
18 a Managing Partner. Unsurprisingly, Mr. Nazre made inappropriate comments and engaged in  
19 unprofessional behavior, and seemed to be empowered by KPCB to further retaliate against her.

20 15. In early December 2007, Plaintiff reported Mr. Nazre's continuing retaliatory acts  
21 to Ted Schlein and John Doerr and asked for their help to find a solution. She received no  
22 response. Instead, a few weeks later, Mr. Nazre was promoted from Junior Partner to Senior  
23 Partner. This promotion made Mr. Nazre a Senior Partner in the Greentech Group where  
24 Plaintiff worked and gave him more direct control over her.

25 16. In early January 2008, KPCB retaliated against Plaintiff for her complaints by first  
26 requesting that Plaintiff change the location of her office -- from the central corridor near John  
27 Doerr to the back annex of the building in a group of mostly empty and guest offices -- because  
28 Mr. Nazre was being moved near Plaintiff's office. Plaintiff refused. KPCB nevertheless moved



1 Mr. Nazre to a larger office across the hall from Plaintiff. In addition, KPCB asked Plaintiff to  
2 move to the China office to separate her and Mr. Nazre, who would remain in Northern  
3 California. Plaintiff refused this blatant retaliation as well.

4 17. In mid-January 2008, Plaintiff went to Mr. Schlein and asked him if he had spoken  
5 to Mr. Nazre about the retaliation she raised in December 2007. She described again to him the  
6 retaliatory actions by Mr. Nazre to which she had been subject. Mr. Schlein said he had not done  
7 anything and asked if it was still necessary to do anything. Plaintiff also reported Mr. Nazre's  
8 conduct to Juliet de Baubigny in her capacity as head of Human Resources at KPCB. Plaintiff  
9 was told by one Senior Partner not to work on any projects with Mr. Nazre and by another Senior  
10 Partner to report directly to Mr. Nazre and have him review all her activities.

11 18. Shortly after her conversation with Juliet de Baubigny, Plaintiff told John Doerr  
12 that because of Mr. Nazre's continued retaliation despite her multiple complaints, she wanted to  
13 move to the Digital Group -- away from Mr. Nazre and the Greentech Group, and toward her area  
14 of expertise and interest. Mr. Doerr told Plaintiff he thought Mr. Nazre was treating Plaintiff  
15 even worse than before because Plaintiff seemed happy in her recent marriage. Mr. Doerr told  
16 Plaintiff that he would take care of the situation, but that he wanted Plaintiff to continue working  
17 in the Greentech Group.

18 19. In 2008 KPCB did not give Plaintiff her annual performance review. Typically,  
19 KPCB reviews every Junior Partner each year to assess performance for the prior year, which is  
20 used to determine bonus, raise and promotion status. For example, in 2007, when John Doerr  
21 gave Plaintiff her performance review, he told her that because she was the top performer of the  
22 Junior Partners and that she had the most positive internal feedback, she would receive a  
23 significant bonus and raise. In 2008, KPCB had told her she was going to receive her review  
24 before she left for a three-month maternity leave in mid-July. That did not happen, nor did she  
25 receive her review upon her return. Her exclusion from the review process meant she did not  
26 have an opportunity to present her case for promotion or for additional compensation, or to hear  
27 or refute feedback or criticism. KPCB's refusal to give Plaintiff a performance review was  
28 retaliation for her multiple complaints about retaliation by Mr. Nazre and about KPCB for its

1 refusal to do anything about Mr. Nazre.

2           20.     In October 2008, after Plaintiff had returned from maternity leave, Ajit Nazre  
3 continued to retaliate against Plaintiff. Plaintiff informed John Doerr in November of the  
4 continued retaliation and cited an example of Mr. Nazre excluding her from an important  
5 investment decision meeting.

6           21.     Because of Ajit Nazre's continuing retaliation against Plaintiff, Plaintiff told John  
7 Doerr and Ted Schlein again in August 2009 that she did not want to be in the Greentech Group  
8 any longer. On August 6, Mr. Schlein asked whether Mr. Nazre was continuing to retaliate.  
9 Plaintiff responded that he was and that no one was doing anything about it.

10           22.     On August 7, 2009 Plaintiff sought advice from KPCB's external human resources  
11 consultant. Plaintiff told the consultant about the discriminatory and retaliatory treatment she had  
12 been receiving from Ajit Nazre and other partners. The consultant told Plaintiff that she would  
13 not be successful at KPCB because she had complained and that going forward she should drop  
14 her complaints, because no one would do anything about them.

15           23.     In September 2009 KPCB continued the retaliation with Plaintiff's performance  
16 review. Typically at KPCB, a Junior Partner is reviewed by his or her direct boss and also by  
17 other partners with whom the employee has worked closely, based on a list of proposed reviewers  
18 prepared by the employee. In contrast, for Plaintiff's 2009 performance review, many of the  
19 people that Plaintiff had worked with and proposed as reviewers were not assigned to her  
20 evaluation. Inexplicably, John Doerr, her direct boss, was not assigned to be one of her  
21 reviewers, despite her position as his Chief of Staff. This was not rectified until Plaintiff  
22 complained. People that Plaintiff had worked very little with were included, though she was not  
23 similarly asked to review them. Consequently, Plaintiff's 2009 performance review focused on  
24 the negative feedback of partners who did not work most closely with her and whom she had not  
25 proposed to review her. John Doerr, Ray Lane and Ted Schlein, three Managing Partners, met  
26 with Plaintiff to give her the review and told her that other partners gave her negative feedback.  
27 This review was further retaliation for her complaints about KPCB's refusal to do anything about  
28 Ajit Nazre's behavior.

1           24. Plaintiff believed that the retaliation and gender discrimination were affecting her  
2 compensation at KPCB, because women generally were not treated equivalently or promoted to  
3 Senior Partner based on their gender. For example, male Junior Partners were allowed to add  
4 multiple Boards of Director positions and investment sponsorships each year, while female  
5 Junior Partners were limited to just one. This difference in treatment affected compensation,  
6 because investment sponsorships impacted board positions, outside perceptions and the ability to  
7 generate returns.

8           25. Plaintiff also believed that retaliation and gender discrimination were affecting her  
9 compensation through the assignment of profits in the KPCB funds. As is typical in venture  
10 capital firms, KPCB retains a share of the profits of each investment fund that it manages. This  
11 share of the profits is commonly referred to as "carried interest". The KPCB carried interest is  
12 shared among the KPCB professionals based on allocation decisions made by KPCB Managing  
13 Partners. The larger the share of carried interest that a professional receives of each KPCB  
14 investment fund, the more money that professional stands to make if that fund generates profits.  
15 KPCB Managing Partners discriminated against women over time by allocating smaller carried  
16 interest percentages from its various investment funds to women than to men. The discrimination  
17 had two forms: Women were not promoted to higher levels within the firm that would have  
18 resulted in high allocations, and men at comparable levels to women were allocated larger shares  
19 of carried interest.

20           26. Plaintiff communicated her concern to John Doerr in October and November 2009  
21 that her KPCB compensation was low compared to the value she was delivering and to the  
22 compensation outside KPCB. Mr. Doerr told her to stop complaining about her compensation.  
23 Plaintiff also stated as she had in the past that women were not being listened to at the firm and  
24 that she and other women were constantly being interrupted and ignored during meetings, despite  
25 identifiable negative impact on KPCB's performance. Although no action was taken to increase  
26 Plaintiff's compensation, KPCB finally transferred Plaintiff from the Greentech Group to the  
27 Digital Group in December 2009 -- almost two years after her initial request for transfer. From  
28 then on, she reported to the leader of the Digital Group, Ted Schlein.

1           27.     On August 25, 2010, Ted Schlein gave Plaintiff her performance review, which  
2 was again retaliatory. He described her work with CEOs of KCPB portfolio companies as  
3 “appreciated and coveted”. However, the written review also cited “issues” with other partners.  
4 She later learned this feedback was spearheaded by Randy Komisar, whom Plaintiff had not  
5 listed as a suggested reviewer and whom she was not asked to review.

6           28.     One example of KPCB’s discriminatory treatment against Plaintiff related to  
7 Plaintiff’s work on KPCB’s investment in a San Francisco-based technology company. Plaintiff  
8 had been the primary contributor and champion of the investment at KPCB, but KPCB chose  
9 Randy Komisar rather than Plaintiff as its Board representative, citing a “one Board per fund”  
10 policy for Junior Partners and Plaintiff’s upcoming three-month maternity leave. In late 2010,  
11 multiple Board members expressed unhappiness with Mr. Komisar as a Board member and  
12 wanted him off the Board. Plaintiff conveyed the company’s concerns first to Mr. Komisar, then  
13 to Mr. Schlein, who expressed interest in serving on the Board himself, and then to Mr. Doerr.  
14 Mr. Doerr told Plaintiff that she championed the investment, that she built the relationships with  
15 the company’s team and that she had done almost all the work for KPCB. Mr. Doerr told  
16 Plaintiff that she deserved the Board seat but that Mr. Komisar “needed a win”. Rather than  
17 replace Mr. Komisar, KPCB responded to the company’s concerns by instructing Plaintiff in  
18 January 2011 to permanently and without explanation terminate her relationship with the  
19 company so Mr. Komisar could build his own relationship. Plaintiff was ordered to stop working  
20 with the company only because of her gender. In mid 2011, the company went public and was  
21 perceived as a great success for KPCB. Plaintiff got minimal recognition for this success,  
22 because KPCB had removed her from the relationship.

23           29.     In early 2011, KPCB partners led by Chi-Hua Chien organized a dinner event at  
24 the San Francisco home of one of the partners. The dinner was for select KPCB partners and  
25 leading executives at KPCB-funded companies, as well as leading executives of other companies  
26 KPCB thought were influential. Only male KPCB partners and male executives were invited and  
27 attended. Mr. Chien deliberately excluded all KPCB women from the event solely on the basis of  
28 their gender. Mr. Chien organized a second all-male dinner at the same partner’s home in August

1 2011. Women were excluded for the same reason. At a weekly Digital Group partner meeting  
2 before the second dinner, Mr. Doerr brought up the all-male dinner in response to a female  
3 partner's complaint; Mr. Chien replied that women were not invited because they would "kill the  
4 buzz". The August 2011 dinner caused Plaintiff particular professional embarrassment because  
5 she lived in the same apartment building as the host of the dinner. By chance Plaintiff ran into  
6 several of the attendees in the lobby. The non-KPCB attendees asked Plaintiff if she was joining  
7 the dinner, and she had to say that she was not. She then ran into the CEO of a KPCB company  
8 on whose Board she served. She also had to tell him that she was not attending.

9 30. On June 29, 2011, Ted Schlein gave Plaintiff her performance review, which  
10 again focused on biased internal feedback. According to the outside consultant who gathered  
11 internal input for the review process, Mr. Schlein had specifically added Chi-Hua Chien and  
12 Randy Komisar had added himself to Plaintiff's reviewer list. Plaintiff had not listed Mr. Chien  
13 or Mr. Komisar as partners who worked closely with her and was not asked to review either of  
14 them. Plaintiff's written review included multiple criticisms of her interpersonal skills and  
15 interactions with others at KPCB, including, "The number of issues and clashes with your peers  
16 and other partners that were discussed last year has decreased quite a bit, but acceptance by this  
17 group is still not evident." Mr. Schlein mentioned verbally that every two years Plaintiff and one  
18 other partner had problems and Plaintiff seemed to be the common link, indirectly referring to  
19 Mr. Nazre and Mr. Komisar.

20 31. At around the same time, a female Junior Partner complained to KPCB senior  
21 management about sexual harassment by Mr. Nazre. KPCB did nothing about it and allowed Mr.  
22 Nazre to continue to direct the Junior Partner and her review. This failure to act allowed and  
23 encouraged Mr. Nazre to continue to retaliate against Plaintiff for her rejection and complaints of  
24 his sexually harassing actions towards her. In December 2011 this same Junior Partner  
25 complained to senior management about additional sexual harassment by Mr. Nazre. Upon  
26 hearing that the other woman had been harassed again, Plaintiff renewed her complaints about  
27 Mr. Nazre and about KPCB's failure to address Plaintiff's and other employees' complaints of  
28 sexual harassment and discrimination. KPCB engaged an outside investigator and following that

1 investigation, Mr. Nazre left KPCB.

2           32.     On October 25, 2011 Plaintiff flew to New York on a business trip with Ted  
3 Schlein and a male Senior Partner in Mr. Schlein's private jet. Two business associates joined  
4 them for the flight. Mr. Schlein, the Senior Partner and Plaintiff were traveling together to attend  
5 a two-day semiannual meeting with CIOs organized for the firm. Upon information and belief,  
6 Mr. Schlein and the Senior Partner joined business associates for activities both nights. Plaintiff,  
7 even though she had left the two nights open and understood business related activities were to  
8 take place, was not invited. She was the only female representative from the firm at the  
9 conference. Plaintiff reported the exclusion and was subsequently disinvited from the May  
10 semiannual CIO meeting.

11           33.     Plaintiff continued to be excluded from business activities because of her gender  
12 and in retaliation for her complaints of harassment and discrimination. She was not included in  
13 interviews of two potential new partners who were given offers at the end of 2011. She was not  
14 included in an all-male KPCB-sponsored ski trip that included flying KPCB employees and other  
15 important business associates by private jet to Vail, Colorado in January 2012. In December  
16 2011, Randy Komisar, a Senior Partner, told Plaintiff that the personalities of women do not lead  
17 to success at KPCB, because women are quiet.

18           34.     In March 2012 KPCB announced internally that three men, Chi-Hua Chien, Amol  
19 Deshpande and Wen Hsieh, and no women, were promoted to General Partner. Plaintiff and  
20 other women were not promoted because they are women. In addition, Plaintiff was not  
21 promoted because she repeatedly reported harassment, discrimination and retaliation over the  
22 past several years. Plaintiff was employed at KPCB longer than any of the men promoted. In  
23 fact, Mr. Hsieh had been hired into KPCB in a similar role as Plaintiff, supporting John Doerr.

24           35.     In March 2012 KPCB also reorganized and changed the composition of the  
25 extremely important investment committee for the new fund KPCB was raising. Only one  
26 woman was invited to join the committee. All three recently promoted men are General Partners  
27 of the fund and are on that committee. The committee is extremely important because it makes  
28 decisions about which new companies to invest in for the new investment fund being raised.

1 Participation on that committee and inclusion as a General Partner of the fund also affects the  
2 compensation that committee members and other partners receive. Plaintiff complained about  
3 her exclusion from the investment committee and about the failure to designate her as a General  
4 Partner for the new fund to John Doerr, Ted Schlein and Bing Gordon. The current Chief  
5 Operating Officer, Eric Keller, responded that KPCB was unwilling to include her.

6 36. KPCB discriminates against Plaintiff and other women by failing to promote them  
7 comparably to men, by compensating them less than men through lower salary, bonus and carried  
8 interest, by restricting the number of investments that women are allowed to make as compared  
9 to men, by failing to act when complaints of sexual harassment or discrimination are made, by  
10 excluding women from meetings and discussions, by failing to provide equivalent sponsorship of  
11 women as of men, by failing to include junior women comparably to junior men in the interview  
12 process, and by failing to provide opportunities for visibility and success inside and outside the  
13 firm for women as compared to men.

14 37. Plaintiff has filed a charge of discrimination with the State of California  
15 Department of Fair Employment and Housing in a timely manner. The agency issued a Notice of  
16 Case Closure and this lawsuit is brought within a year of the date of the Notice.

17 **FIRST CAUSE OF ACTION**

18 **(Gender Discrimination in Violation of Gov't Code § 12940(a))**

19 Plaintiff hereby incorporates by reference Paragraphs 1 through 37 of this Complaint as if  
20 fully set forth herein, and for a cause of action alleges as follows:

21 38. At all times herein mentioned, California's Fair Employment and Housing Act,  
22 Cal. Government Code § 12940 *et seq.*, was in full force and effect and fully binding upon  
23 KPCB. Plaintiff was a member of a group protected by that statute, in particular section  
24 12940(a), prohibiting discrimination in employment based on gender.

25 39. The denial of promotion, the denial of wages and carried interest in KPCB's  
26 investment funds to Plaintiff, the differences in the number of investments Plaintiff and other  
27 women as compared to men are allowed to make, the exclusion of Plaintiff and other women  
28 from business events, meetings and opportunities, and the exclusion of Plaintiff and other women

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from important managerial functions at KPCB constitutes discrimination based on gender and violates Government Code § 12940(a).

40. As a direct, foreseeable and proximate result of KPCB's unlawful actions, Plaintiff has suffered and continues to suffer substantial losses in compensation and other employment benefits and has incurred other economic losses including but not limited to loss of wages and loss of carried interest in KPCB's funds.

41. KPCB committed the acts herein despicably, maliciously, fraudulently, and oppressively, with the wrongful intention of injuring Plaintiff, from an improper and evil motive amounting to malice, and in conscious disregard of Plaintiff's rights to be free from discrimination on the basis of gender. Plaintiff is thus entitled to recover punitive damages from KPCB in an amount according to proof.

**SECOND CAUSE OF ACTION**

**(Retaliation in Violation of Gov't Code § 12940(h))**

Plaintiff hereby incorporates by reference Paragraphs 1 through 37 of this Complaint as if fully set forth herein, and for a cause of action alleges as follows:

42. At all times mentioned herein California's Fair Employment and Housing Act, Cal. Government Code § 12940 *et seq.*, was in full force and effect and fully binding upon KPCB. Plaintiff was a member of a group protected by that statute, in particular section 12940(h), prohibiting retaliation for opposing practices forbidden under Part 2.8 of the Government Code.

43. The denial of promotion, the denial of wages and carried interest in KPCB's investment funds to Plaintiff, the differences in the number of investments Plaintiff as compared to men are allowed to make, the exclusion of Plaintiff from business events, meetings and opportunities, and the exclusion of Plaintiff from important managerial functions at KPCB constitutes retaliation for opposing practices forbidden under Part 2.8 of the Government Code in violation of Government Code § 12940(h).

44. As a direct foreseeable and proximate result of KPCB's unlawful actions, Plaintiff has suffered and continues to suffer substantial losses in compensation and other employment



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benefits and has incurred other economic losses including but not limited to loss of wages and loss of carried interest in KPCB's funds.

45. KPCB committed the acts herein despicably, maliciously, fraudulently, and oppressively, with the wrongful intention of injuring Plaintiff, from an improper and evil motive amounting to malice, and in conscious disregard of Plaintiff's rights to be free from retaliation. Plaintiff is thus entitled to recover punitive damages from KPCB in an amount according to proof.

**THIRD CAUSE OF ACTION**

**(Failure To Take All Reasonable Steps To Prevent  
Discrimination From Occurring In Violation Of Gov't Code § 12940(k))**

Plaintiff hereby incorporates by reference Paragraphs 1 through 37 of this Complaint as if fully set forth herein, and for a cause of action alleges as follows:

46. At all times mentioned herein California's Fair Employment and Housing Act, Cal. Government Code § 12940 *et seq.*, was in full force and effect and fully binding upon KPCB. Plaintiff was a member of a group protected by that statute, in particular section 12940(k), prohibiting failure to take all steps to prevent discrimination from occurring.

47. Allowing Ajit Nazre to retaliate against Plaintiff over the years until his termination, the denial of promotion, the denial of wages and carried interest in KPCB's investment funds to Plaintiff, the differences in the number of investments Plaintiff as compared to men are allowed to make, the exclusion of Plaintiff from business events, meetings and opportunities, and the exclusion of Plaintiff from important managerial functions at KPCB constitutes failing to take all reasonable steps to prevent discrimination from occurring violates Government Code § 12940(k).

48. As a direct foreseeable and proximate result of KPCB's unlawful actions, Plaintiff has suffered and continues to suffer substantial losses in compensation and other employment benefits and has incurred other economic losses including but not limited to loss of wages and loss of carried interest in KPCB's funds.

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49. KPCB committed the acts herein despicably, maliciously, fraudulently, and oppressively, with the wrongful intention of injuring Plaintiff, from an improper and evil motive amounting to malice, and in conscious disregard of Plaintiff's rights to be free from retaliation. Plaintiff is thus entitled to recover punitive damages from KPCB in an amount according to proof.

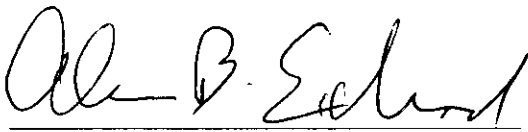
**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

1. For compensatory economic damages, including but not limited to, lost back pay (including, but not limited to, salary and bonus wages), lost carried interest in KPCB's investment funds and future lost earnings; with legal interest, according to proof as allowed by law;
2. For punitive damages allowed by law;
3. For an award to Plaintiffs of costs of suit incurred herein and reasonable attorneys' fees;
4. For an award of prejudgment and post-judgment interest;
5. For injunctive relief to prevent sexual harassment, discrimination and retaliation; and,
6. For an award to Plaintiff of such other and further relief as the Court deems just and proper.

DATED: May 10, 2012

RUDY, EXELROD, ZIEFF & LOWE, LLP

By:   
ALAN B. EXELROD  
Attorneys for Plaintiff

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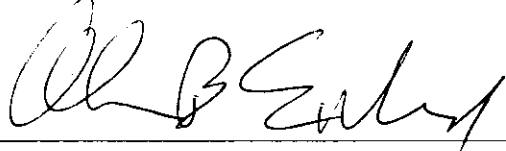
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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury.

DATED: May 10, 2012

RUDY, EXELROD, ZIEFF & LOWE, LLP

By: 

ALAN B. EXELROD  
Attorneys for Plaintiff