EMPLOYEE RELATIONS – ISSUE CONFIRMATION

Ashley Gjovik | EO Draft v1, with AG rev v2 | 22 Aug 2021

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1. Summary of Concerns

Concerns

- **Date range of incidents:** 2015 to Current
- **Individuals to be investigated, by organization:**
  - *Software Engineering:* Venkat Memula; Brad Reigel; Rob Marini; Aron Talburt; Shandra Rica; Evan Buyze; Stacey Lysik; Bodhi Gerfen
  - *Hardware Engineering*: Dan West; David Powers; John Basansese; Jason Ivan; Reed Johnson
  - *Human Resources / People Team:* Kristen Michalak; Helen Polkes
  - *Employee Relations:* Jenna Waibel; Ekelemchi Okpo
  - *Environment Health & Safety:* Michael Steiger; Antone Jain
  - *Legal:* Deborah Goldsmith
  - *Board of Directors:* Ronald Sugar
- **Concerns Raised (DRAFT)**:
  - Hostile work env based on sex (2015-current)
  - Hostile work env based on disability (2020-current)
  - Failure to resolve hostile work environment (2015-current)
  - Sexual harassment (2015, 2018, 2019)
  - Civil assault & battery (2015)
  - False imprisonment (2015-6)
  - Negligence & battery (2017-2020)
  - Civil assault (2021)
  - Quid pro quo / bribe (2015)
  - Intentional Infliction of Emotional Distress (2015, 2021)
  - Bullying (2015-2016, 2021)
  - ADA & FMLA violations (2020-2021)
  - Unsafe work conditions (2017-current)
  - Toxic tort, occupational exposure (2017-current)
  - Violation of OSHA laws & Right to Know statute (2017-current)
  - Failure to report workplace injuries (2017, 2019)
  - Failure to seek medical attention for life threatening injury (2017)
  - Retaliation for whistleblowing (2016, 2020, 2021)
  - Retaliation for protected concerted activities (2020-2021)
  - Retaliatory constructive termination (2015, 2016, 2016, 2021)
  - RICO (Unknown-current) Misrepresentation & fraud; Racketeering; Organized witness tampering; Organized intimidation; Corporate corruption; Cronyism & nepotism

Workers Compensation Claims:

- Chemical Exposure (# 302174831070001)
  - Filed: 4/26/2021; Dated: 12/4/2019
- Peanut Allergy, Anaphylaxis, & Failure to Provide Medical Treatment (# 302179876420001)
  - Filed: 8/20/2021; Dated: 10/6/2017
- Severe Pertussis due to above Anaphylaxis (# 3021 7987 5030 001)
  - Filed: 8/20/2021; Dated: 10/3/2017

Disability Claim

- Chemical Exposure (# 302048282250-0001)
  - 2020

Protected Activities & Whistleblowing:

- Aug 5, 2021: Planned for weeks to go to the office this day to get my computer with more evidence. I told ER several times. Was then "removed from the workplace" by ER on 8/4.
- Aug 3-4, 2021: working with colleagues to collect evidence of building floor cracks and EHS activities in order to understand safety risk. Notified ER of this.
- Aug 3, 2021: posted in Remote Work Adv reminder that nothing in Apple's policies "should be interpreted as restricting your right to speak freely bout your wages, hours, or working conditions." Added angel & microphone emoji and said "Friendly reminder" while citing Apple's own polices/quotes.
- July 2021: escalated concerns one of our PSQ employees was bragging about smuggling iPods into Syria and running a side business transporting people across the Syria/Lebanon border. Complained about general lawlessness in my org.
- July 26, 2021: post in Women in SWE slack about employment relations concerns – asking if anyone else had issues with ER's handling of complaints, or if they even feel comfortable reporting issues? Lots of responses.
- July 30, 2021: Tweeted me too about EAP & medical leave in response to hostile work env, and ADA accommodations in response to unsafe work conditions
- July 23-34, 2021: Quoted in NYT with concerns about safety risk in Apple bringing us back on stie with COVID, next date was sleected as quote of the day.
- July 19, 2021: raise concerns in Apple Slack Language-Matters about Dave & Dan saying "open kimono" all the time and never stopping when I ask them to. Let ER know.
- July 16, 2021: My Sedgwick/Apple accommodation follow up question form is shared on Twitter in protest of how invasive it is. I told Cher she could share it publicly after expressing my own frustration and the responding eruption on Slack about it. I also shared the ER Medical Release form I had concerns about on Slack earlier this week and it appears that form or one like it was referenced in The Verge article about Apple's poor behavior around disabilities yesterday. The Verge writer also retweeted my chemical exposure follow up question form too. I told ER, "I'm glad public pressure might influence Apple to correct & improve its employee policies."
- June 14, 2021, I email Tim & Deirdre about Remote Work Advocacy and share a letter, video, survey results, and letter signatures.
- May 20-21 2021, I sent email to Dave, Dan, HR, & ER about concerns Apple not speaking up in support of Palestinians and Muslims; Helen replies not really addressing my concerns. I reply to Helen, Dave, & Dan and re-iterate my concerns and further elaborate my concerns around Muslim inclusion with the recent news of Uyghur forced labor; Helen replies actually addressing this time and lets me know I&D is looking into the whole situation and I'm welcome to talk to them.
- In April 2021, Jenna Waibel investigated David Powers for a creating a hostile work env based on gender and disability & Rob Yepez for sexual harassment.
- April 2021, field workers comp complaint for chemical exposure and notified managers, HR, ER, & EHS.
- April 2021, notified Federal EPA of my concerns about my office building & Apple's oversight of it.

- Starting in March 2021 and continuing to present day, raised safety concerns around my building and workplace to my engineering leadership, Environmental Health and Safety (EHS), employee relations, Apple University, HR, and I&D.
- Dec 2020/Jan 2021: Raised concerns about Apple entering into a private contract to obtain expediated access to COVID-19 vaccines for employees & their families, per Dan Riccio All Hands comments (recorded on video). My interpretation was confirmed, but was told Apple will not do that, although an exec mentioned there were still some ethical concerns about smaller Apple activities around COVID testing & treatments. Dan Riccio was demoted ~1 month after my concerns were rasied, escalated, and confirmed.
- Summer 2019: Intern in Apple Legal. Main project was organizing and leading discussions with internal, cross-functional Artificial Intelligence engineering leaders around AI ethics and social responsibility. Synthesized research and discussion findings and distilled best practices for ongoing policy discussions with Legal, Government Affairs, Engineering, and other internal groups. Also researched several software legal topics, synthesized findings, and drove discussions with partner teams — which led to new process and strategy. Drafted, reviewed, revised, and/or analyzed several contracts including software license agreements and third-party asset licenses.
- In June 2021, you assisted the Remote Work Advocacy (RWA) Slack channel with drafting a letter and creating a video addressed and sent to Tim Cook and Deirdre O'Brien in response to Apple's Hybrid Working Pilot.

2. Software Engineering

A. iOS Release Management Team (2015-2016)

Software Engineering:

i. Brad Reigel

- **Concerns:** Hostile work env based on sex; bullying; intimidation; retaliation; drinking at work; possession of weapons at work; constructive termination; IIED; assault; battery
- **Examples:**
  - Bullets, knives, gunpowder weapons, threats of violence (I'm going to smack you), locking me in conf rooms to yell at me, calling me names (fat, idiot, stupid).
  - Escalated to Venkat Memula on going. When Linda was leaving, Rob said I was going to get re-orged under Brad but that he was going to report to Venkat because he also didn't want to work for Brad, but laughed that I would have to. Venkat did force me to work for Brad even when I told him I'd have to quit if he did that. Venkat told me it was my job to help Brad become a better manager & person.
  - Flipped me off a lot & told me to fuck off
  - Rob & Venkat told me Brad was awful to me because I reminded him of an ex-wife he hates.
  - Brad closed the "Make Ashley's Life a Living Hell" Radar after I was re-orged under him.
- **Evidence:** Box folder including emails & photos; HR personnel file
- **Witnesses:** Chris Markham, Serita McPherson, Garth Corral

ii. Rob Marini

- **Concerns:** Hostile work env based on sex; bullying; intimidation; retaliation; drinking at work; IIED; assault; battery
- **Examples:**
  - Marini created a Radar called "Make Ashley's Life a Living Hell," and assigned it to Brad.
  - Marini told you that it was his mission to make you quit
  - Within the first month of joining the team, Marini told you that you should have been aborted.
  - Marini told me Neela said the team shouldn't hire me because I'm a "tattooed floozy and the boys just want to flirt with me." Venkat confirmed and said he "lost her feedback" on purpose. She apologized later.
- **Evidence:**
  - Box folder including emails & photos; HR personnel file
  - Marini reached out 7/27 for first time in months/years to "check in" after I posed in Women-of-SWE slack channel about extensive ER investigation.
- **Witnesses:** Chris Markham, Serita McPherson, Garth Corral

iii. Rob Marini, Aron Talburt, & Brad Reigel (aka "RAB")

- **Concerns:** Hostile work env based on sex; bullying; intimidation; retaliation; drinking at work; IIED; assault; battery
- **Examples:**
  - Constant drinking in the office, during work hours.
  - Attacking me with dodgeballs & nerf guns even though I told them I have PTSD. At one point, surprise attacked me to make me scream, recorded my scream, re-mixed it and sent it to the entire team while I cried.
  - You stated that you reported this behavior to your skip level manager, Venkat Memula, and you said that his advice was for you to replace their alcohol with food color and water (you informed me that Reigel, Marini and Talburt kept alcohol in their workspaces).
  - Aron looking at rifle specs (pic)
  - Memula, Reigel, Marini & Talburt came up with nicknames for you, and wrote them down on a white board at work including: stupid millennial, professor fun sucker, master of the universe of suck, etc.
  - Frequent late night texts bullying me calling me names, calling other people names, talking about violence & death
  - Forced to drink tequila at a work offsite (Giants game) purchased by and pressured by Marini and Memula. Got sick and threw up and had to leave early. Had said I didn't want to drink numerous times. Vorrath and Michallik were present with us (see photos).
  - Someone created a fake Linkedln profile of you to harass you.
- **Evidence:** Box folder including emails & photos; HR personnel file
- **Witnesses:** Chris Markham, Serita McPherson, Garth Corral

iv. Linda Keshishoglou

- **Concerns:** Hostile work env based on sex; quid pro quo; bribe; failure to resolve hostile work environment
- **Examples:**

- You mentioned that Keshishoglou did not include you in emails, group text, and strategy meetings, but she included your male colleagues (Marini, Talburt, Reigel).
- You stated that Keshishoglou provided no explanation as to why she excluded you from strategy meetings, group text, emails, etc.
- You mentioned that you made Michallik, Memula, Reigel, Talburt and Marini aware of your concerns that Keshishoglou excluded you from strategy meetings, group text, emails, etc. In September 2015, you received your first performance review at Apple (6 months in role) as an ICT3. You told me that Keshishoglou gave you $100K in Restricted Stock Unit (RSU) grants when the max guideline for your role was $60K. You also believe that you should have been rated as "too new to rate".
- You shared that during the same performance review conversation, Keshishoglou asked you to tell Memula that she was a good manager.
- You believe that Keshishoglou asked you to do this in exchange for the compensation you received.
- You shared that you reported this concern with Keshishoglou to Michallik on September 25, 2015 and to Memula on September 29, 2015.

- **Evidence:** Box folder including emails & photos; HR personnel file
- **Witnesses:** Chris Markham, Serita McPherson, Garth Corral

v. Venkat Memula

- **Concerns:** Hostile work env based on sex; failure to resolve hostile work environment; constructive termination, intimidation; bullying; forced drinking
- **Examples:**
  - You mentioned that Memula was often drunk at work, and you heard that his leader, Kim Vorrath, told him that he was not allowed to have alcohol in his office.
  - You mentioned that Memula would snuggle up on you while drunk, whisper to you, and say things that made no sense. (Evidence: see photograph of during one instance with documentation of his "phases" of drunkness on whiteboard including these behaviors, then following photo of him "crucifying" himself upon said whiteboard writing.)
  - You mentioned that at the end of your interviews for the role on Haley's team, you were not offered the position due to Stacey & Brad's feedback. Venkat confirm in email that it was not fair. You stated that Vorrath offered you a different role as Engineering Program Manager (EPM) for Early Field Failure Analysis (EFFA), and you informed Venkat that you didn't want the role. You shared that if you didn't accept the EFFA role, then you had no other option but quit or stay in the hostile work env.
- **Evidence:** Box folder including emails & photos; HR personnel file
- **Witnesses:** Chris Markham, Serita McPherson, Garth Corral

vi. Bodhi Gerfen

- **Concerns:** Sexual Harassment
- **Examples:**
  - You mentioned that after you joined Apple, you heard that during your on-site interview, Bodhi Gerfen saw you and said something about your ass, and things he wanted to do to your ass.

- You stated that in 2015, Gerfen texted you in the middle of the night talking about your body, your Tinder profile, etc. (see Box folders). You told him to stop and he would not.
- You told me that you reported this text incident to Andie Andragna, your manager, Linda Keshishoglou , Reigel, Marini, and Memula.
- You mentioned that you did not report this text incident to the People team because you believe that based on an unrelated matter that you shared with me, reporting concerns to the People team was frowned upon.

- **Evidence:** Box folder including photos; HR personnel file
- **Witnesses:** Rob Marini, Brad Reigel

vii. Bill Stevenson

- **Concerns:** Sexual Harassment
- **Examples:**
  - You told me that Bill Stevenson was notorious for sexually harassing people, and it was well known that Stevenson was inappropriate with you.
  - You weren't able to provide specific examples when Stevenson sexually harassed you, but you asked that I speak with Debbie McDaniel who you said witnessed Stevenson's behavior towards you.
  - You stated that Memula and Keshishoglou were aware of Bill's behavior.
  - Bill sent photo of him building massive amounts of fireworks in the desert. "the sky doesn't know what's coming" he said
- **Evidence:** Box folder including emails; HR personnel file
- **Witnesses:** Debbie McDaniel; Rob Marini, Brad Reigel, Aron Talburt, Venkat Memula

B. Spring 2016 Transfer (Component EPM; EFFA EPM)

Component EPM Interviewing Time Line (as documented to ER and Venkat, and Venakt confirmed)

- Mid-January 2016: Several people reach out to me noticing I seem unhappy doing build EPM work and suggest considering other options, one of which is Haley's team. Based on my previous PM experience and the work I've done at Apple, the person pushes that I set up an informational with Haley to think about the future, even though she doesn't have any open reqs
- Friday 1/29: I set up an informational with Haley and it goes really well. The team seems right up my alley. She also mentions she has a new req opening up. I tell her I'm interested. She says if I tell Brad - she'll set up interviews. I tell her I will, and that I'll have to discuss with Stacey too. Brad complains he's going to set up a new req. I told him I don't even have the job yet. He said "whatever, of course you do".
- Tuesday 2/2: I find time with Stacey to ask her opinion of the opportunity (since she's previously given me career advice / mentorship) and she tells me it would be a great fit, that she loves Haley, and I'd do well in that role. She tells me to tell Brad and go for it. I find Brad and tell him - he's very supportive and gives his blessing. He also says I'd do well in that role. I let Haley know and she says she'll get the interviews set up.
- Tuesday 2/9: First round of interviews for Haley's team. Carina, Josh R, Jury.

- Wednesday 2/10: Stacey runs into me at the VG6 cafeteria and tells me she wants to talk to me about interviewing for her team. Later at our 1:1 she tells me even though the role with Haley is a good fit, she'd love to keep me in the watch program. If it's a Component EPM I want to be, then I should be on her team to keep the program together. She tells me it would be under a new manager (to be promoted) and she'd like to set up interviews before she goes on vacation. I tell her I'm still very excited about the opportunity on Haley's team, but that I'm happy to interview for her team too if that's what she wants. She tells me she'll set up interviews with the manager, Kevin, and maybe someone else the next week and then she'll make her decision when she's back from vacation. I let Brad know that day. He gives his blessing again.
- Thursdays 2/11 Second (maybe final) round of interviews for Haley's team. Ramsey T, Olivier Bonnet, Andre Boule, Haley, Bethany. I'm told by Haley that per Stacey I'm not going to be given a "yes" or "no" on the role in Haley's team until Stacey makes her decision about me joining the watch team. I proactively reach out to the new manager on Stacey's team (Kelsey) to learn more about the role to help in my decision making. We casually discuss for ~15min. It doesn't seem like a good fit for me.
- Monday 2/15-2/19: Stacey's on vacation. No interview are set up. No word from Stacey. I meet with Carina to learn more about the iOS teams, the tools, things to start studying up if it's "yes".
- Monday 2/22: Watch doesn't feel right. I decide to tell Stacey so I don't waste her or Kevin's time. Per Bethany & Haley's offer, I set up 1:1s with them to ask more questions about the role and org. It really feels right. Haley says we should sync up end of the week, and that she's going to reach out to Brad for feedback as part of the potential transition. She mentions Stacey gave her feedback that I saw no sometimes when I should always say yes (no additional detail). Haley tells me all of the interview feedback was positive.
- Tuesday 2/23: I find 5min to talk to Stacey and let her know I'm going to pass on her role. I thank her for the interest but tell her I think Haley's team is a better fit for me and I don't think she should set up interviews for me to join watch. She tells me she agrees that Haley's team is a better fit and I'll do well there. She tells me she'll tell Haley so I can proceed with the process in iOS. She seems fine. I text Haley and give her a head's up on the outcome and that Stacey will be reaching out I find Brad and warn him Halie will be coming his way. He says he already talked to her and told her I'm great but also provided some feedback. He tells me what the feedback was:
  - 1) I don't have experience speaking in front of execs (although he has no evidence for this other than not physically witnessing it himself)
  - 2) I don't have the experience to troubleshoot complicated issues (although he has no examples, and claims later it's only something I can improve on, not an issue)
- I warn Brad those items sound very negative. He claims they weren't and Halie was fine and I'll still get the job. I asked him to follow up to make sure, and he tells me I'm over reacting and it's a done deal.
- Wednesday 2/24: Brad tells me he's starting talking transition timing with Haley and Venkat. Venkat wants to keep me on the build team to WWDC, but they're working through the details.
- Friday 2/25 I email Haley seeing if she has an update. She says she's meeting with Stacey at 4:30 and will have an update after. - There was no update. I assume the worst.
- Wednesday 3/2 I meet with Venkat at 4:30 and he share's the news I didn't get the job on Haley's team because: - 1) I don't have experience speaking in front of execs
  - 1) I don't have enough experience to deep dive, understand, drive resolutions
  - 2) I say no sometimes

Note: Brad & Shandra both expected I'd still get the job. Shandra said about the feedback "Its not terrible feedback though so I'd just wait and see if it comes up, don't force any issues. Have to have faith that Haley has also made her own assessment of you."

viii. Stacey Lysik

- **Concerns:** Retaliation**,** Intimidation
- **Examples:**
  - See timeline above
- **Evidence:**
  - Box folder including emails; HR personnel file
  - 8/4 email from Aaron Morris (previous Apple EPM, now ARM director) saying "Stacey was working against you as long as 4 years ago while I was on the team. She took steps to harm your advancement. She did the same to Tara." & also "You were wonderful to work with, and I hope that you see great successes in the future."
  - Box folder including emails & photos
- **Witnesses:** Haley Samale, Kristin Mcalik

ix. Brad Reigel

- **Concerns:** Retaliation
- **Examples:**
  - See timeline above
- **Evidence:** Box folder including emails & photos; HR personnel file
- **Witnesses:** Haley Samale, Kristin Michallik

C. SWE Failure Analysis Team (2016)

Role:

- Managed the Software Engineering failure analysis program for products in the field ("EFFA" & "QIF" for iPhone, iPad, iPod, Mac, and Apple TV) and launch planning for New Product Introduction (N69, J127/J128, D1x, & J79/J80g).
- Drove field issue triage and root cause analysis to resolution for customer software quality issues. Partnered with hardware teams when software or firmware updates were needed to mitigate silicon or component issues.
- Helped engineering teams understand customer facing issues. Presented engineering root cause and corrective actions to executives. Facilitated failure analysis communication between the Software Engineering organization and all other Apple organizations (i.e. Marketing, AppleCare, Hardware Engineering, Supply Chain/Operations, etc.)

Projects:

- iPhone Throttling: (battery failures)

- https://www.forbes.com/sites/rachelsandler/2020/11/18/apple-settles-batterygate-lawsuit-for-113-million/? sh=d65802958f51
- https://www.macrumors.com/2020/05/15/apple-throttling-lawsuit-preliminary-approval/
- https://www.ksla.com/2020/11/18/la-receive-m-apple-iphone-performance-throttling-lawsuit/
- https://www.cnet.com/news/apple-sorry-iphone-battery-slowdown-ios-update-official/
- https://appleinsider.com/articles/19/10/17/apple-hit-with-new-iphone-throttling-class-action-in-california

- iPhone 7 No Service: (silicon failure)
  - https://www.techrepublic.com/article/how-to-fix-the-iphone-7-no-service-status-flaw/ -
  - https://support.apple.com/iphone-7-no-service
- iPad 2 Error 56: (silicon failure)
  - https://forums.macrumors.com/threads/ios-9-3-3-bricked-ipad-air-2-with-error-56.1983418/
  - https://www.macrumors.com/2016/05/16/ios-9-3-2-bricking-some-9-7-ipad-pros/
  - https://www.theregister.com/2016/03/23/ios_93_update_bricks_ipad_2s
  - https://daringfireball.net/linked/2016/05/17/ipad-pro-error-56
- MacBookPro Graphics Corruption: (numerous software issues)
  - https://www.macrumors.com/2016/12/02/new-macbook-pro-graphics-issues/
  - https://discussions.apple.com/thread/7771375
  - https://9to5mac.com/2016/12/07/apple-believes-2016-macbook-pro-graphics-issues-are-addressed-in- macos-10-12-2-update-according-to-craig-federighi-email/

x. Shandra Rica & Evan Buyze

- **Concerns:** Retaliation; Intimidation; Constructive Termination
- **Examples:**
  - EO: In 2016, Apple allegedly had products in the field (iPhones) with bad batteries. You shared that you gave Jeff Williams an update on field issues and the meeting went well. After your meeting with Williams, you felt that you were thrown under the bus by your skip level manager, Shandra Rica, and your manager, Evan Buyze, because they failed to update the leadership team on field issues. You told me that you didn't have work assignments for 3 months after this incident, and your responsibilities were taken away. As a result, you believe that this was constructive discharge and you raised your concerns to Michallik on December 7, 2016.
  - Ashley Dec 7 2016 write up to HR:
    - 12/5/16: I get back from vacation and Evan texts me not to talk to anyone or do any work until I meet with them at 2pm. Meeting with Shandra & Evan starts. They ask me how my vacation was. Then Shandra says before they start with "feedback", she wanted to ask me if I still wanted to be in this role. She says my answer will change the direction of the rest of the conversation. I tell her I'm always considering other options and thinking about my long term goals, and have been wondering if it might be time to start exploring other options - but I haven't been actively looking. She says something like "great, so you are ready to move on, this make the rest of this conversation easier". Then she says "let's get into the feedback". She tells me "it's not working". She says while all the other orgs (AppleCare, Product Quality, etc) love me, the image of the EFFA program within SW is not good. She says our house is a mess, and we're in a lot of trouble. They tell me I was overcommunicating and working too hard, it and set an unrealistic expectation

because they couldn't cover for me while I was out because "everyone was mad at them." They frequently referenced the Jeff Williams prez.

- I asked what next steps were. Shandra said she and Evan will now be the DRIs so they can repair the SWE relationships and build the role for sustainability. She told me since I was ready to move on, I can focus on informationals and looking for a new role. I asked if I should still be attending meetings or supporting them, and they said I shouldn't attend meetings or provide updates outside of SWE. They said we'd follow up later this week (meeting 2pm 12/8) to discuss next steps. I told them the feedback during the meeting seemed overwhelmingly negative and I wanted to gauge what kind of summary they planned to provide hiring managers about my time in the role. Evan exclaimed "you need to be able to take feedback." I told him, I am listening to the feedback - I'm just trying to understand what message they're planning to provide. Evan said "it will be fair and balanced". Then Shandra suggested that it would be best if I volunteer this role "didn't work out for me" so we can all agree on that. I told her I'd take that suggestion into consideration, but was hesitant to say that when I feel like I accomplished a lot of positive things in the last eight months. She told me she thought saying "it didn't work out" would be best. I said that again this feels like a very negative meeting, and I was wondering if there's a timeline on this transition because this feels like a development plan/HR type conversation. Shandra told me there was no timeline and it's not an HR conversation yet, because I'm agreeing "to leave the role" they "won't have to start that conversation".
- The meeting ended with Shandra advising me not to complain to people about having to move on, because she doesn't like "shit talking". I'm instructed to forward any open asks/questions to them, and to not answer them myself - and to re-direct any new asks to them instead of me.
- I ask HR: If Shandra & Evan didn't know what issues were important, why didn't they ask me? If Shandra & Evan wanted to gate certain decisions, why didn't they ever say that? If info needed to be shared internally, why didn't they agree do that when it was prompted by me? If info shouldn't be shared externally, why didn't we ever discuss those limitations? If timely issue resolution and communication was creating "unrealistic expectations of SW support", why was that never brought up previously? And why do Shandra and Evan feel that resolving major customer software issues and helping AppleCare support those customers isn't something software should be an active partner on? If I hadn't said I was open to moving on, if Shandra would have tried to (or threatened to) put me on a development plan with HR like she insinuated.

- 2/5/16 5pm: following the Mac EFFA exec review, Shandra tells the EFFA teams (AppleCare, Ops, etc) that I no longer work on EFFA and she will now be the DRI
- Met with HR (Kristin) numerous times about this
- Evan announced new role under David & Dan at 7:04pm on the Friday of my last day, many people comment on how that was seen as a final bullying of me
- Evan tried to put negative unfounded comments on my review. He tried to say I had teamwork issues when the only issue was with Brad Reigel (see all the above) and I had 13 "outstanding / exceeds contribution" out of 15 in my peer feedback that year. HR made him fix the review feedback & remove the negativity as she saw it as retaliation (this was during the constructive term).

- Evan kept one thing I didn't agree with and I added a comment stating that but then Evan demanded I remove my comment. I protested. HR texted me "if he doesn't agree with your comments he should discuss this with you. If the concern is different of opinion, at the end of the day he should accept them."
- They also apparently constructively terminated Paula Leuzzi & John Perry

- **Evidence:** Box folder including emails & photos; HR personnel files
- **Witnesses:** Jeff Laberge, Jack Horan, Priya Balasubramanian,

3. Hardware Engineering

D. Mac Systems Quality (2017-Current)

xi. David Powers

- **Concerns:** Hostile work env based on sex; harassment; bullying
- **Examples:**
  - Aggressive & does not take feedback well. From 2020 feedback:
    - "Dave still struggles to receive feedback, even though he says he wants it, he often snaps back or only hears the parts where he feels he's in the right, and then ignores the rest. As part of the EPM role conversation, we talked in depth about his propensity to change his mind, not communicate in a timely fashion, etc. and he told me it was on me to call him out when he does that. I told him I've had mixed luck with that in the past, and sometimes he just snaps and shuts me down. He said if he does that, I should call him out on that too. I believed he meant it, but didn't see that working out well. And indeed, even a week after that conversation it happened again... he was asking me why I wasn't at a MSQ automation meeting series and I explained I didn't think I was required since I had been focusing on PSQ communications & employee engagement and I have such limited time in the office, that I thought I could just focus on that. And he snapped something at me like "any meeting I invite you do, you need to consider yourself mandatory." And I tried reasoning with him again that the meeting didn't seem to have anything to do with me, and he said something akin to "I'm your manager, do what I say." But then after I attended that meeting the next week and told him again that nothing about it was relevant to what I was working on it, he was like, yeah you're right, you can be optional. So he got there eventually... but he was quite snappish at the beginning. If he puts the responsibility on me to call him out, he needs to temper his snapping. It's not fair for me to have to talk him down while also taking a lashing from him. Additionally, when he does react ok to feedback initially, it's common for him to later turn that feedback against me and make it feedback for me, not for him."
  - Thanks men for my work, frequently. They rarely correct him. See 2020 feedback:
    - "I've called him out on not giving me credit (and worse, giving the men credit for my work) numerous times, and as recently as last week. For my first project back from leave last week he asked me to prepare a MSQ roadshow deck for the SEG VP in just a few days. I was only working two days to start, but because he really wanted to be able to present the next Monday, I focused nearly entirely on that to make it happen for him. I put together the overall format and structure, a dozen slides introducing the org and showing

photos of labs & automation, and I also incorporated some content from Jason, & got the managers to input data for their teams. During Staff, Dave introduced the slides they were all working on as "Jason's" slides — despite me having spent my first two days back in the office after four months off, working heads down on this critical slide deck for him. When I called him out on it after the meeting, and he had no real explanation why he did it, and said he'd think about it. "

- Hand Me Down Hardware project (see 2020 feedback to Dan about Dave)
  - One of the biggest drivers for me looking for my next role, probably equal to the lack of role definition & focus, is how quickly he throws me under the bus with the MSQ managers & his PSQ peers. Last year, I briefly mentioned an incident with Reed and Dave's poor handling of it — but this event, despite me being disrespected by Reed & Dave, somehow ended up being a piece of feedback for *me* to improve on, including formally documented in my last annual review. Dave's handling of this issue was so backwards, I knew it wasn't good for my mental health to continue in this role any longer. I didn't want to have to go in depth on this, even when I was so mad last year, but I think I have to now...
  - 1 -Background: I created a brand new program, on my own initiative, to address feedback identified in the Mac QA gaps slide deck we created for the VPs a while back. One of the biggest gaps causing field issues was that SW wasn't getting their HW allocations in a timely fashion and there was 1-2month gap after ship where they didn't have devices to test, while on the flip side MSQ was done testing and was actively scrapping the devices that SW needed. So I worked with these SW directors & senior directors and created a way for us to transfer the HW we'd otherwise be scrapping to the teams who need it the most (those teams specifically identified in that gap exercise — (Sarcone, McCracken, etc.) I shared the idea with Yuan, John, & Reed to see if they had extra HW they were scrapping that they could also share. Reed immediately took issue with the program for the sole reason that he wanted to upgrade his teams admin machines and thought he should take precedence over SW. I explained the catalyst for the program (real world field issues caused by lack of HW to test on), but he persisted that his team was more important (he admitted he was being selfish, but said he didn't care). We talked about this several times and I made it clear that my program wasn't for admin machines, it was to address QA gaps.
  - 2- The Conflict: A couple weeks later, I'm sitting in MSQ Staff and hear Pete ask Dave something about this program and the "pass down from extended staff" and Dave tells him to send an email with the "new process." I'm like, hello, that's my program, what are you talking
  - about? Dave informs me that at extended staff it was decided to prioritize PSQ admin machines before SW. I ask him point blank if Reed initiated that, and he said: yes. I was furious and I wanted to let Dave know. He's not great with interpersonal interactions or conflict— so I wanted to ensure he understood how upset I was about the situation, so it stuck with him. I check my facts first.... I asked another person to confirm that Dave did say it was Reed, and they confirmed. I asked another person, sharing the whole story, if I should be so mad at Reed & Dave, and they're like omg yes. So I talked to Dave. I told him Reed purposely undermined me and he supported him in doing so. I told him he should have handled Reed's request by saying something like "Well that's Ashley's project and she's not here, so let's talk to her after the meeting." At the VERY LEAST, I told Dave he should have directly informed me of what happened instead of having a passing conversation with Pete in front of me. During this first conversation, Dave took all this

feedback and apologized. I also texted Reed and let him know I just heard what happened, and asked him to please not go behind my back and if he wants to provide input on my projects, to please work with me directly or at least wait until I'm in the room. Reed just claimed to be updating the SW on his phone and turned off his iMessage with me for like 2 weeks (I think he blocked me?)

- 3- The Aftermath: The next week, Dave told me Reed complained to him that I confronted Reed on what Reed did. At this point, Dave went into protective mode and completely threw me under the bus. He told me I should never confront his peers, and that I didn't even have the data and Reed wasn't the one who said anything at that meeting. I told Dave that he told me directly Reed was the one, and at least one other person heard him say that — but then he snapped at me and told me he never said that. Then he started (mis-)quoting a Women of PSQ speaker at me and told me that if I had slept on it and woke up the next morning before acting, that I wouldn't be upset anymore. He said I was being too emotional, and if I has stopped to think I wouldn't have been aggressive towards Reed. I told him that 1) it was offensive he's using loaded gender terminology on me (emotional, aggressive) 2) if he was trying to appeal to me as a woman by quoting a woman giving advice, he missed it by misrepresenting her message 3) he's getting the situation backwards — the only reason we were talking about this was because I was so deeply offended and felt so dis-respected by him & Reed, but now somehow this is turning into feedback on me.
- 4- Beating a Dead Horse: My "inability to control my emotions" & my "attack on Reed" became continuous feedback points during my mid-year reviews and a few other convos. The first few times I became so upset (because I felt even more unseen and unheard, since Dave completely ignored my initial feedback and then turned it against me) that I would start to getting really sad when he brought it up. One of these times, I had just gotten back from the doctor and my feet were actively bleeding after a surgery and I had to prop them up on a chair while we were talking to control the bleeding (and he knew that)— and he still decided to dig into this again... and I lost it, and started crying. Then he started saying that I can't take feedback (based solely on this pt). So the next few times I'd just stare at a spot on a wall behind him and try to zone out and not respond at all in hopes he'd drop it, but then he started saying I wasn't listening and I still can't take feedback. He also decided to use these convos to stress to me that if any of his peers in PSQ or other orgs disrespect me, that I should never stand up for myself and I should only bring it to him to decide if I should be upset and if so he'll decide what we should do to address it, and he'll be the one to address it. Like, I don't know how to underline how offensive this was. I hope it's clear by the plain meaning of the text and doesn't even need an explanation. And again, this becomes even more atrocious when you consider I'm the only women in MSQ mgmt, and one of the only women in the PSQ "managers." Being told you're not allowed to stand up for yourself if the men do or say anything disrespectful to you, seems like its probably on one of those "things not to do" trainings HR does on gender discrimination. And this issue wasn't a one time thing.... John did something quite offensive & manipulative last January, and Dave told me I wasn't even allowed to tell anyone what he did (let alone talk to him about it).

- Told me I'm not allowed to tell anyone about Jason making Koka quit, or any of the male leader being mean to me.

  - Dave continually uses the term "open kimono" and refused to stop whenever I protested. Also made me explain why its inappropriate each time.
  - Frequently attacking me whenever I try to get him to follow NPS procedures & rules. See 2020 feedback:
    - "Dave still struggles with security and confidentiality rules and procedure. Not only does he outright resist &/or forget it exists, but he still gives me criticism when I try to ensure we follow the rules provided from NPS, etc. This came up again last year with the issue I raised to you about Jane/ Megan & the very secret project. I thought I got him back on the rails, but looking at my emails from when I was gone, he went back and did it again, despite explicit instructions from NPS to not do what he did. I've explained to him that EPMs are expected to always be the adults in the room, and that I will be held accountable for his actions around secrecy if I'm aware of what he's doing. He still pushes back on me and appears angry when I bring it up."
  - 4/8 - After telling Dave numerous times I've suffering from severe PTSD from getting sick last year and "barely hanging on" he texts me and asks me to lead a huge project for a completely different org, dotted-line reporting to a SWE director who sexually harassed me in 2019 (which Dave knows about).
- **Evidence:** Box folder including emails & photos;
- **Witnesses:** Jane Markham, Mike Ertell, Simon Moen, Megan Gaates

- **Concerns:** Hostile work env based on disability
- **Examples:**
  - 4/8 - After telling Dave numerous times I've suffering from severe PTSD from getting sick last year and "barely hanging on" he texts me and asks me to lead a huge project for a completely different org, dotted-line reporting to a SWE director who sexually harassed me in 2019 (which Dave knows about).
  - 4/13 - I notify Jenna of Dave violating my 2020 "return to work" medical accommodations and also giving him feedback about thanking men publicly for my work
  - 5/10 - I notify Dave I need to take sick time for a heart issue and for side effects from chemical exposure treatment
  - 6/28 - 1:1 with Dave where he makes the inappropriate I&D comments & acts hostile towards me
  - 6/28 - I express concern to Helen about Dave making inappropriate and possibly sexist comments about an I&D project I'm working on
  - You stated that around August 2020, Powers told you that it was hard to write your review because you were "sick so much".
  - You stated that when you inquired about working remotely, Powers told you that remote work is "not a thing", and that you must return on-site if EHS says that the building is safe.
- **Evidence:** Box folder including emails & photos
- **Witnesses:** Helen Polkes, Jane Markam**,** Megan Gates

- **Concerns:** Failure to resolve hostile work env
- **Examples:**
  - You mentioned that you shared your concerns with Powers about how Ivan treats you, but you don't believe Powers has done anything about it. Powers told you to smile, stay calm and keep a straight face when men treat you bad at work.

  - You shared that you told Powers and West about Ivan's behavior, and they laughed and mentioned that Ivan made another woman quit (Koka), and that you shouldn't tell anyone about it.
- **Evidence:** Box folder including emails & photos;
- **Witnesses:** Dan West; Bhavna

- **Concerns:** Intimidation to not speak about unsafe work conditions
- **Examples:**
  - 3/22- 1:1 with my manager, Dave Powers. Dave told me I'm not allowed talk to anyone other than him, EH&S, and Jenna about my safety concerns about Stewart or even tell anyone it's a Superfund site. He said he didn't want his team to "know" because they'd be "upset." He also gave me feedback about an I&D training I was hosting, that "I was being too hard on the white man." He also told me this all as employee feedback and said it's only a "warning" because of my "mental health."
  - Continually asked him to help with EHS due to my concerns about safety & he refused
- **Evidence:** Box folder including emails & photos
- **Witnesses:** Mike Ertell, Jane Markham

- **Concerns:** Retaliation & Constructive Termination
- **Examples:**
  - 6/10 - My first 1:1 back with Dave after leave & the investigation. He makes it clear he doesn't think he did anything wrong and it was just me overreacting / misinterpreting. "You mentioned that after Waibel completed her investigation on June 10, 2021, Powers told you that there was no reason for him to receive coaching, and the focus was now on you to change yourself."
  - 6/10 - I notify Jenna what Dave said during that 1:1
  - 6/10 - I then meet with Jenna and she tells me the only other steps are to "complain about her to her manager, but I'm not allowed to discuss any details of the investigation" and to "escalate safety concerns to EHS."
  - 6/10 me to Jenna, Heads up in case you want to follow up on this at all before we talk — I just had my first 1:1 with Dave after being out. Dave made it clear he doesn't think he did anything wrong at all, related to managing me or his interactions with me. He also said he didn't get any coaching. He definitely steering the conversation to insinuate that I was making baseless claims. He did encourage me to escalate issues to ER whenever I think I need too — but then again, mentioned that the focus is now just on me changing myself so I can continue to do my job. I was clear with him that the concerns raised were about gender discrimination, sexism, and hostile work env — and that I think he and Dan have perpetrated those things. I also told him I expected, based on my convo with you last week, there would be changes to his behavior based on the "coaching" you mentioned, but he said none of that happened. I told him I'm very concerned. I also asked him about Stewart 1 & safety (that I don't feel it's safe to return to that building) — but he said if EHS said it's safe, I have to come back. I told him again my concerns about EHS and the history of the building, and the lack of testing. After asking him numerous times, he finally agreed to ask Helen if there's another building I can work in. I asked him if we can request that I fully work remotely and he said "that's not a thing." I told him it is, it's even on the remote FAQs, and that I might meet the rare exception because my job doesn't actually require me to be on site at all. He fought it a bunch but then after I asked a bunch of times he said he'd ask Helen

about that too. He seemed very unhappy about the last two weeks and our call today. I'm expecting my work relations with him to now get even more unpleasant.

- 6/21 - 1:1 with Dave and I ask to work remotely and he tells me its not a thing. Finally he agrees to ask Helen, but then says Helen said no. Later Helen said he never asked her and he needs to ask Dan instead. (He lied to me)
- You also believe that Powers is retaliating against you by assigning you work that is a substantial increase from your previous responsibilities, and five new large assignments are deeply unfavorable.

- **Evidence:** Box folder including emails & photos
- **Witnesses:** Mike Ertell, Jane Markham, Monu Mathur

xii. Jason Ivan

- **Concerns:** Hostile work env based on sex; bullying
- **Examples:**
  - 2018 review feedback,
    - "At times, Jason can come across as aggressive, and brash. I've had experiences with him the last few months where my work related requests or questions have been met with negative emotional responses that either are dismissive of my request or show frustration that I'm even asking, and often lack any data or real reasoning why. Jason has also "attacked" some of my ideas, even during meetings with the larger team - without concrete reasons on why he feels things aren't working, and refuses to provide proposals for solutions, and often is hesitant to take such conversations "offline" when in front of a large group. (Example: two weeks ago during Weekly Status when he started complaining that the color status key is "broken", and thus the whole "process is broken" - but refused to offer any other data or any solutions).
    - Jason has mentioned things to me that make it appear he doesn't see me as a peer to him. When I've asked him about his goals for the MSQ EPM role (me), he has expressed a desire that my focus be a type of "Tier 2" lead in his org (essentially dotted line reporting under his managers, Matt & Jeremy), and helping with tasks his leads (Eric, Chris, Philip, etc.) cannot complete or that he doesn't feel they're skilled/networked enough to complete. He has also expressed dismay whenever I pass down information from Dave, and has told me it makes "his job harder" to not get information from Dave directly - but couldn't give me any data beyond that on why his "job is harder". He also is often reluctant (even to a confrontational point) to take any guidance from me about hw project mgmt strategy or even general process/program strategy. It is very difficult for me to be able to provide guidance, feedback, and strategy when Jason doesn't appear to view me as in a role where I should be giving it (or that it not meaningful guidance, feedback, or strategy). If I'm going to continue to support the HW projects from even a high level/ program standpoint, I really need to have Jason take me seriously.
    - Jason often shows reluctance to changing processes or approaches, even if the technology/situation is changing in a way that it's required to take a different approach. Jason also sometimes immediately declines requests for new projects/work from his team, without taking a moment to consider if the request is warranted. (Examples: Jason was reluctant to adjust the J137 test plan, even though this project is "big & new" enough to warrant a new approach - and he probably should have known that pro-actively

considering his experience here. Jason has been reluctant to provide weekly PSQ Exec J137 quality updates "this early", even though the project is high risk enough to warrant providing regular exec updates.

- Jason can come across as very controlling and negative at times, especially if he feels something I'm working on is "under his jurisdiction." He will try to order me to do things or not do things. (Example: a few weeks ago I wanted to change the wording in some of the headers on the email, and mentioned it to him, and he ordered me not to change anything but wouldn't give me any reasoning why other than "we've changed enough". I believe even though the "Best Status at Apple" is my project, because the status is for HW projects he was trying to exert some control over me/the process).
- Jason has recently been very dismissive of my accomplishments. He's made seemingly bizarre statements about new projects I'm start, claiming none of them are new and he's done some version of them himself at some point in the past (even when no one else agrees thats the case). He also gets extremely defensive if anyone suggests I'm "helping him" in any way. (Example: while working on the Compatibility Module project, Jason was extremely persistent that the requirements he had provided Brian were all that Brian needed to build the tool, and the project meetings were only to ensure Brian follows through - when in reality Jason had provided incomplete project requirements that had also changed several time with unclear communication to the tools team.) (Example: when I kicked off the J160 strategy meetings, if anyone mentioned that this was a "new thing" I was doing, Jason quickly jumped in that it was not new and he's always done this).

- Bahvana Koka previously worked for Dan West and had very very similar concerns with Ivan. She asked West to resolve the hostile work env and West did not. West also told her, like me, it's her fault and relationship issue, and she shouldn't stand up for herself.
- I expressed concern over months that Jason wasn't interviewing / hiring enough women for his open reqs and the reasons he provided sounded sexist & vague. David Powers refused to intervene. Latest concern was moving to offer for Rajesh Kartha despite Jason saying Lauren as a great fit but would try to get her to take a lead role instead of manager. When I looked them up, Rajesh is currently an IC and Lauren is currently a manger. Powers said he'd talk to Ivan but I don't think he ever did, it looks like Ivan is still offering to Kartha, and stopped publishing hiring status after I rasied concerns.
- Expressed concerns when Nirupa Balamurugan was hired on Ivan's team that I wasn't on interview panel and neither was Monu. Also Nirupa was never told she was the first female manager in MSQ in a decade and she was upset when she learned that upon joining.
- You mentioned that Ivan has attacked some of your ideas during meetings without concrete reasons as to why he disagrees with you. You also told me that Ivan refuses to provide proposals or solutions for his concerns.
- You believe that Ivan does not talk to or treat men the same way he treated you and Koka.
- Ivan said he does not see you as a peer.
- Frequently attacking me whenever I try to get him to follow NPS procedures & rules.

- **Evidence:** Box folder including emails & photos
- **Witnesses:** Bhavana Koka, David Powers, Dan West

E. Product Systems Quality (2017-Current)

xiii. Dan West

- **DW Concern 1:** Hostile work env based on sex
- **Examples:**
  - You told me that at an all hands meeting in 2017, West talked about diversity, and said that we didn't have a lot of women leaders in the organization because women don't want to be leaders and they are not ready to be leaders. You told me that West went on to state that the business will bring in female interns, and have males mentor them to become leaders.
  - You mentioned that you complained to West about naming team social events "beer bash". You shared that West's leadership team is all male and the term "beer bash" is masculine. ◦ You told me that male Indian coworkers and women mentioned that they felt excluded by the term "beer bash".
  - You stated that in 2019, West shared a screenshot of his text messages with Steve Rozmus with you.You told me that the screenshot shows a picture Rozmus took of you in the "confidential" bin. Rozmus forwarded the picture to West, and West's response to Rozmus was "she is not confidential, she should be in the blue bin."
  - You stated that in October 2020, Nordine Kadri's "How I Got Here" article included a logo about gender equality, and the woman on the logo looked naked. You escalated to West, and he told you to "assume good intent".
  - You mentioned that you were never invited to West's extended staff meetings even though he assigns most of your work directly to you.
  - 5/8/2018 Dan told a story when he was supposed to present on something but Yannick switched him out and had Dan's direct present instead — and Dan said he was mad until Yannick told him that Apple will probably get sued about whatever it was and that the direct can take the fall instead of Dan. Dan asked to delete this video.
  - On more note on Dan and I need to find documentation of it — he on several occasions responded to me giving him feedback that upset him with, "I guess sometimes when you invite dogs on the couch you get fleas."
  - Frequently attacking me whenever I try to get him to follow NPS procedures & rules.
- **Evidence:** Box folder including emails & photos
- **Witnesses:**

- **DW Concern 2:** Negligence, failure to report work place injuries, failure to seek medical attention, obstruction of justice
- **Examples:**
  - When I was at the final Apple party at the Grace Hopper Convention in 2017, Dan West approached me and gave me a desert and told me to eat it. I asked him what was in it and he just said to eat it. I asked again, and again he said, just eat it. I took a bite and said "is there peanut in this??!" And he smiled and said proudly, "yes!" I yelled at him that I have a peanut allergy (I was fairly certain I told him that previously too). He just stared at me. I told him I need allergy medicine ASAP and I spit the peanut gelato back into the cup. He said he'd get some and disappeared. I started having symptoms of anaphylaxis and hadn't heard from him for about 15min so I tracked him down and he said he was drunk and forgot he was supposed to get me medicine. He said he'd go get it and be back. About maybe 45min after the peanut intake he finally showed up with a single Allegra-type allergy pill. I took it but it was too late and I told

him I was having severe symptoms. He disappeared and I never saw him again that night. Another EPM looked after me at the party for a little bit but I felt so sick I wanted to go back to my room and lay down. I got lost walking through the hotel alone, circling for maybe an hour, and when I finally got to my room I puked my guts out in the bathroom and fell asleep on the marble floor there. Dan never followed up or reported it. I told Dave when I got back and Dave said he just sent a joking text to Dan complaining he was trying to "kill his EPM." I saw him text it, so if they both have their iMessage records from that time, it should still be there. Further, I contracted Pertussis/whooping cough during the flight to that conference and ended up getting a full-blown case for the full 100 days despite being fully vaccinated. The theory from the doctors was that I got so sick because while the Pertussis was taking hold, I also got so sick from the peanut allergy via Dan. In addition to standard Pertussis symptoms like coughing so hard I'd vomit every 20 min or so for months — I also bruised my ribs coughing and got bronchitis.

  - May 2018 Fireside Chat video, Kai feedback (and recorded): At some point, when Dan was sharing a story where he felt excluded that Yannick asked Dan's direct instead of Dan to present at a meeting. Later on, Dan found out that Yannick did it partially due to protecting Dan as that meeting was involved with possibility of Apple being sued. This implicitly implies that it is OK to expense Dan's direct, even Yannick out of good intention wanted to protect Dan.

- **Evidence**: Box; emails; Workers Comp claim
  - Peanut Allergy, Anaphylaxis, & Failure to Provide Medical Treatment (# 302179876420001), Filed: 8/20/2021; Dated: 10/6/2017
  - Severe Pertussis due to above Anaphylaxis (# 3021 7987 5030 001), Filed: 8/20/2021; Dated: 10/3/2017
- **Witnesses:** Shikha Pandey, Heidi Zhang, and Marina Sadini

- **DW Concern 3:** Failure to resolve hostile work env
- **Examples:**
  - 4/9 - I met with Dan West and told him that Dave prohibited me from speaking about safety concerns at work and told Jenna I talked to Dan as well — I ask him to talk to Jenna about Stewart 1. I also tell Dave that I can't work for Dave any more and document my ask to him to "think about solutions for DP situation."
  - 4/14 - I email Dan and tell him I want to report to him or John, and go to a 4-work day schedule — otherwise I'll quit his org. I mentioned again specifically my 2020 review feedback about Dave I sent him and working for Dave "is TERRIBLE for my mental health."
  - 4/29 - I talked to Dan West and notify him of the ER investigation into Dave, the workers comp claim, and the discussions I'm having with EH&S about Stewart 1. I also tell him about Jenna pressuring me not to speak openly about workplace safety concerns and ask him to help. I also ask him to follow up with Dave about the "no equal outcomes" comment because Dave refuses to follow up with his team on it. I expressed concerns again that Dave was creating a hostile work env that was severely detrimental to my mental health and asked him what can be done. I asked if he reviewed my review feedback about Dave from 2020 (Helen send you that document) and he said he did but "it wasn't actionable" and I'm just "hot & cold about Dave." I asked him if he had thought more about my request to report to him or another one of his directs (not Dave) and he said I can't report to him. I asked why, he said "no more re-orgs." I said, but my role is already more than half supporting you directly. He said no. I said, what about another direct, he said no. He wouldn't give me an explanation. I told him I will likely have to leave PSQ or Apple if he doesn't response the issue, and he said that's fine. I asked what he will do with my role if I leave and he

said he'd cancel the EPM role, that "its an experiment that didn't work out," and convert it to engineering headcount. Dan did say that Dave needed to follow up on the "no equal outcomes" dogwhistle-type comment and that he'd talk to him about it.

- You told me that Kai Yun left West's organization because of how she was treated, and West did nothing about it.Yun's team was responsible for high quality Macs with high tech monitors. You believe that Yun's responsibilities were reassigned to a white male outside of West's organization.You believe that West, Basanese and Powers made the decision to reassign the work.
- You shared that on April 29, 2021, you told West that you could no longer work for Powers, and to reorganize your role so that you can report directly to him. You mentioned that West told you that from an organizational structure standpoint, it made no sense for you to report to him. You also told me that during the same conversation, West told you to quit Apple. You shared that West has since stopped meeting with you, and has reassigned your job responsibilities to others.

- **Evidence:** Box folder including emails & photos
- **Witnesses:**

- **DW Concern 4:** Sexual harassment**;** pimping & pandering with receipt of indirect benefits
- **Examples:**
  - 5/8/2018 You shared that during a meeting, West made a "spanking" gesture with his hand to describe how you "keep him in line". Dan asked to delete this video.
  - I was eating out at a Michelin star restaurant in Mt View in winter of 2017. It was a restaurant Dan insisted I try several times, so when I sat down I texted him that I looked forward to the meal. I didn't realize before that Dan West and Yannick Bertolus (Dan's boss, our VP) are very very good friends with the head Chef of the restaurant. As soon as I texted Dan, he replied right away and within maybe 10min the Chef came out to greet me personally as a friend of Dan and was bringing out special dishes I didn't ask for. He also came out to talk to me mid-way and was telling me very personal stuff about Yannick. About 1/2 way through the dinner the Chef and Dan both told me they were trying to set me up with the Sous Chef at the restaurant, Andrew. Apparently they told Andrew the same thing. Andrew was 24, ten years my junior. I expressed no interest in Andrew or dating him — but they persisted. Dan also told the head Chef he would pay my entire bill, and he did. I protested strongly to both the Chef and Dan and told the Chef to reject Dan's payment and I would pay myself, but they wouldn't let me. They both also continued to send the Sous Chef out to wait on me instead of the waiter and pressured both of us to exchange numbers. It's was humiliating. I've met Dan's wife & daughter a couple times and they were/are both aware of this night and say it's is a running topic in the household of how weird and inappropriate it was of Dan to do that.
  - Ashley texted Dan in Dec after the dinner and told him she's dating a professor now and need sto turn down the sous chef and Dan said "I'm not even a little concerned. Regarding Andrew – to bad it didn't work out, but there was absolutely no pressure from me. I don't know him too well. Just learn and move on."
  - Ashley was supposed to go to her office on Aug 5 to retrieve the laptop with the texts send during that night at the restaurant, but ER put me on leave and removed me from the "workplace" on 8/4 before I could & they knew I was planning on it.
  - You told me that in March 2021, West's daughter gave you a ride to Stanford, and during the car ride she told you that they still talk at home about how bizarre the restaurant incident was.
  - You mentioned that in 2020, West made a comment in Slack that Powers will unbutton the top 3 buttons of his shirt during the next all hands meeting. You told me that when you addressed West

about his comment, he said he didn't want to sleep with Powers so it wasn't a problem. He then inferred you were only offended because he thought you wanted to sleep with Powers.

- **Evidence:** Box folder including emails & photos
- **Witnesses:**

- **DW Concern 5:** Intentional Infliction of Emotional Distress (IIED)
- **Examples:**
  - You told me that while you were out on leave due to exposure to chemicals at your apartment, a lawyer emailed you and warned you about potential physical violence from the Irvine company because they are known for retaliation. You forwarded the email to West, and he told you to send it to his personal email address because his work email account is routinely scanned for lawsuits. You told me that West was aware of your mental state at that time, including your fear of physical violence from the Irvine company.
  - 5/21 - I notify Dan West that EH&S said they won't answer anymore of my questions about VI.
- **Evidence:** Box folder including emails & photos
- **Witnesses:** David Powers

- **DW Concern 6:** Retaliation & Constructive Termination
- **Examples:**
  - 5/6 - I notify Jenna that in MSQ staff meeting they mention Helen & Dan are worried about attrition and that managers need to be mindful with communication and if someone is thinking about leaving to recommend other options to retain them and say that directly conflicts with Dan telling me he doesn't care if I quit apple because of the hostile work env with Dave.
  - 5/6 — Dan offers to Daniel that he can work on / take over my roles for How I Got Here & From the Desk of Articles
  - 5/18 - Dan staff meeting where he apparently reduced my ownership of the How I Got Here articles to only PSQ and appears to have given Daniel the overall project
  - 7/8 - I find out from Yuan that Dan appears to have re-assigned one of my projects without telling me. You own the "How Did I Get Here" articles for West's org, and Daniel Carr is now involved with this assignment. You told me that West is no longer involving you in projects such as the "Listening Session" project.
  - When I reported the reassignment of work to David Powers he said he had no idea and would look into it ASAP and let me know but never did.
- **Evidence:** Box folder including emails & photos; emails
- **Witnesses:** Megan Gates, Jane Markam, Daniel Carr, Helen Polkes**;** Scott Lilly**;** David Powers

xiv. John Basanese

- **Concern:** Hostile work env based on sex
- **Examples:**
  - You mentioned that after a 2018 Fireside Chat event for Women of PSQ, Basanese received written feedback for talking about someone's body size and posture in a way that sounded like it was a disadvantage.
  - Suggesting that people should hug co-workers who are honest with them.

- John told Dave I told him (john) that Dave didn't like David Taylor in order to get a response from Dave Powers. Dave Powers asked me if I actually said it and I said no and David Powers said he believed me but forbid me from telling anyone John said that or confronting John.
- You stated that in 2017/2018, Basanese told you that at your age, you needed to be married with children. You told me that at holiday functions, Basenese made comments like "where is your partner?, don't you have a boyfriend?, settle down and have kids." You mentioned that you told Bassanese to stop, but he wouldn't, so you escalated to West. You stated that Basanese once made this comment at the Caffe at work while West was present.
- When talking about

- **Evidence:** Box including Fireside Chat Video
- **Witnesses:** Dan West, Monu Mathur

xv. Reed Johnson

- **Concerns:** Intimidation, Undermining
- **Examples:** See the Hand Me Down HW feedback to Dan about Dave in my 2020 feedback**.** Reed did apologize 10/12/18: "Hey, no worries. I just wanted to make sure Dave didn't think I was sabotaging the HW reuse program. To be honest, the whole conversation in Dan's staff meeting was quick and didn't seem to have any negative impact. Hope more people use the list in the future."
- **Evidence:** Box folder including emails & photos; emails
- **Witnesses:** Monu Mathur, Kai Yun, Pete Richardson, Bhava Avula

4. Administration

F. Human Resources

xvi. Helen Polkes

- **Concern:** Hostile work env based on disability; retaliation**;** intimidation to not speak about unsafe work conditions
- **Examples:**
  - 4/13 - I notify Helen about the ER investigation into Dave and my concerns about Stewart 1
  - 4/20 - Helen Polkes urged me to file a workers comp claim for my 2019 fainting spell in Stewart 1 that I now believe to be likely caused by vapor intrusion in the building (she basically insisted — she pushed me at least three times to file it).
  - 4/21 - I noticed Jenna, Dan, Dave, & Helen of the workers comp claim being filed
  - You believe that Polkes may be retaliating against you because of the work you've done in support of the RWA Slack channel. You mentioned that on June 30, 2021, you asked Polkes about working remotely, and she said "oh, did you see Deirdre's video?". Polkes was referring to a video in which O'Brien clarified Apple's Hybrid Working Pilot You told me that when you asked Polkes about accommodations for remote work, she said "it sounds like you believe you have a disability and we would need to review it." Finally, you believe that your involvement with the RWA Slack channel may have influenced how Polkes is treating you because she has not been supportive or helpful with your request for remote work.

- 6/28 - I express concern to Helen about Dave making inappropriate and possibly sexist comments about an I&D project I'm working on
- 6/20 - 1:1 with Helen where she makes the aggressive comments about remote work and role definition
- 7/7 – "Helen said the previous "telecommuting" request process doesn't exist anymore in HWE after Deirdre's video last month"

- **Evidence:** Box folder including emails & photos; emails
- **Witnesses:** *You know what y'all did*

G. Employee Relations

xvii. Overall

- **Concerns:** RICO; Organized Intimidation; Organized Witness Tampering; Retaliation
- **Examples:**
  - 7/28 me to ER: The Slack chain we talked about yesterday & today: https://a1391194.slack.com/archives/CK1KDPQCF/p1627328464228400 Not even including DMs.... I don't seem to be the only employee subject to sexism, hostile work environment, harassment, and retaliation — who has received no real help from HR or ER in resolving the issue. (Yes I know you're looking into things now — but Jenna made things worse for me, and so far y'all have done nothing to mitigate the harm I'm experiencing ongoing). There seems to be a growing group of us with very horrific stories to tell , who have tried to tell these stories, and have gotten no where at Apple. As mentioned before, this is incredibly disappointing and unacceptable to me. Not just for my own situation — but also that women are being treated like this by their coworkers and ignored by HR/ER at a company that likes to pretend it cares about human rights, inclusion, diversity, and respect. Pretends seems to be the important word there.
  - Me to ER/HR 7/30: This ADA Remote Work request was suggested by Apple ER in response to me raising concerns about the safety of my workplace. My office is an active EPA Superfund site with a long history of indoor air vapor intrusion with industrial chemicals above max industrial limits for human safety — and also a long history of Apple not actually testing/monitoring the air quality to ensure employee safety. I filed a workers comp claim for a fainting spell in 2019 that I believe was due to the chemicals in the air there. EH&S refused to answer many of my questions about the building and their procedures, and now has refused to answer any more of my questions about it all. However, before shutting me down, EH&S recently noted there's cracks in the floor of the building (which is exactly how vapor intrusion can get into the indoor air) but is refusing to test the air before the fix the cracks. Due to my whistleblowing, the Federal EPA is now involved and sounds like met with them this week. My doctor is working on the paper work you mentioned but we're both struggling to mentally process the fact that I have to fill out such invasive and intimidating paperwork to literally just not get poisoned. I've shared these concerns with ER as well — Antonio Lagares is overseeing my sexism & hostile work environment investigation, and his team was also playing PR agent for EH&S Also, FYI, these Sedgwick forms for this accommodation were Tweeted out by a coworker, who is a disability rights advocate, a couple weeks ago — and I also talking to NYT about this whole debacle ongoing. NYT quoted me last week about my concerns about another workplace safety issue — what I feel is inadequate safety protocols & policies around COVID

exposure for employees being forced back into the office this fall in the midst of a global pandemic.

- 8/2 me to ER/HR: My doctor faxed his response to Sedgwick's follow up questions to them today. Attaching for you below since I assume you'll ask them for it anyway. Note: the questions about whether an air purifier could mitigate Superfund vapor intrusion (so severe that a land use covenant with the government prohibits elder care and day care on site) was particularly offensive, but so is the fact itself that you're forcing me to release medical info & fill out forms to not be poisoned.
- 8/4: First ever lunch w/ Dan announced for Women of PSQ group on 8/16 & 9/13, shortly after my articles come out, with HR present. During 8/16, Dan bemoans how he now sympathizes with other "metoo accused" men
- ~8/6: PSQ managers start bringing up "Ashley Issue" in staff meetings and route anyone with concerns to HR. Mention that Dan plans to disucs the "Ashley Issue" during his Oct all hands.
- 8/12: First ever NPS Secrecy & Awareness Training announced for all of PSQ

- **Witnesses**: *You know what y'all did*

xviii. Jenna Waibel

- **1st Concern:** Conflict of Interest
- **Examples:**
  - 3/29 - Inexplicitly playing public relations for EH&S while concurrently preforming an "independent & unbiased sexism investigation"
  - 4/3 - I email Jenna notifying her of Dave prohibiting me from speaking about workplace safety concerns and ask her to talk to him or send me an email I can forward with my rights
  - 4/3-9 - Jenna doesn't respond
  - 4/9 - Jenna then offers to launch a formal investigation into Dave
  - 4/9 - I tell Jenna no on the formal investigation but ask her to talk with him
  - 4/12 - Jenna says she'll talk to Dave
  - 4/12 - I reiterate my safety concerns about Stewart 1 to Jenna
  - 7/2 - Jenna tells me EH&S will actually test the air in Stewart 1 now and notifies me of cracks in the floor there and the need for "floor sealing" and that they'll test the air after the floor is fixed
  - 7/2 - I ask EH&S and Jenna if they can test the air before the floor is fixed, to see if those cracks were causing vapor intrusion
  - 7/2 - I submit ADA Medical Request for remote work due to needing to avoid industrial chemical exposure
  - 7/7 - I meet with EH&S and Jenna and they tell me they won't test the air before the cracks are fixed, they refuse to give me any details about what fixing the cracks entail, and again tell me they now won't answer anymore of my questions. I reiterate I don't feel safe in that building and I'm worried about vapor intrusion and I feel they're trying to misrepresent the situation internally
  - 7/7 - I send additional / updated concerns about the safety of Stewart 1 / TRW Microwave to the federal EPA
  - 7/8: meeting notes from me to Jenna & ER: Antone & Michael kept saying this is routine maintenance but said this year is also the first time this routine maintenance process is being kicked off for Apple buildings on chemical clean-up sites with risks of vapor intrusion. I asked if Apple has done this floor-sealing work in other buildings with employees currently working in them and I was told "they have done it for two or three buildings." I said I was concerned they were

misrepresenting the "routine-ness" of this work this year & I asked which buildings they did the "routine floor sealing" in previously and Jenna told me "they won't discuss buildings I'm not in," "won't answer that question," and "that level of detail is not appropriate for this call." EH&S refuses to test the indoor air before they seal the vapor intrusion pathways, saying the 2015 results show the mitigation was working. I asked if the change of building circumstances (i.e. cracks, holes) don't then need an evaluation to see if there was VI and then confirm the new fixes actually fix it — they said no. When the indoor air is eventually tested at some unknown point it will be with passive samplers with HVAC on & running as normal, and employees inside working as normal. I expressed concerns that HVAC brings in outdoor air and will dilute the air inside — and employees working inside can cause their own chemicals releases which can can disturb / comprise the results. I also mentioned if the results come back high, then EH&S can then say it was the employees causing the chemicals (like they did in 2015 with the unconfirmed "construction" chemicals). Michael and Atone say their testing plan is "protocol" and "over and beyond" Antone/Michael/Jenna will not answer any of my additional questions, or provide additional questions, or provide any guidance around risk & exposure other than "they feel it is safe."

- **Evidence:** Box folder including emails & photos; emails
- **Witnesses:** *You know what y'all did*

- **2nd Concern:** Intimidation; Retaliation; Misuse of ADA policies
- **Examples:**
  - Me having to fill out the ADA accommodation remote work request to not be poisoned
  - 4/27 - I have a phone call with Jenna, after asking for another time if she's talked to Dave about telling me I can't talk openly about workplace safety concerns, and she is extremely hostile and essentially also tells me I can't talk openly about workplace safety concerns. I document our call and send clarifying questions to her and Michael. She then says she never said what she said upon seeing it documented. During that call I also started crying and pleaded with her to stop the investigation because the way it's going it seems like she's going to side with my manager and Dan and only get me in trouble. She says she can't cancel and investigation after it begins.
  - 4/27: me to Jenna, I'd like to state that the original reason I reached out to ER was because of comments Dave made to me in my 1:1 with him several weeks ago related to the TRW Microwave EPA Superfund site (aka our office building Stewart 1). I've captured my concerns in separate emails. I know you already talked to him — but I'd like the formal list of concerns to reflect that was the original and primary concern. I also let Dan know that was my primary concern on 4/9 and he also said he would talk to you about it.
  - 4/29, me to Jenna, Talked to Dan West today (my bosses boss). He will not move me out from under Dave. He will not move me under him (Dan), or John, or anyone else. He says he doesn't want anymore re-orgs. My choices are either I stay under Dave (I told him I cannot do this) or I leave the organization or Apple completely. He says he understood this likely means I will leave Apple. Dan said when I leave, the role will likely be recycled into a standard Engineer or Manager role, and the PSQ EPM role will be dissolved. No timeline was set.
  - 5/20 - Jenna tells me she will talk to Rob Yepez about my sexual harassment claim and tell him I was the one who reported it. I ask her not to and that I dont' want him to know it was me and ask her not to look in to it and she says she will anyways and I can't stop her. She pressures me to give the witnesses name to her despite me raising concerns about her being on an H1B and worried about retaliation.

- 5/21- Jenna offers me Paid Administrative Leave for two weeks starting 5/24 and I say yes. She then tells me I'm not allowed to work at all during that time.
- 6/3 - "wrap up call" with Jenna — she says she found no policy violations and the only next steps are for me "to process this" and work with Helen on "my path forward." I send notes after documenting all of my ongoing concerns that weren't addressed — including that it sounds like she never reviewed my 2020 feedback about Dave to Dan (she said she had no recollection about one of the events)
- 6/3 jenna to me email: Thank you for raising your concerns and for your cooperation in this investigation. As we discussed, Apple takes employee concerns seriously and I have completed a thorough investigation. As part of my process, I reviewed the information and documentation you provided me. I also spoke to others who had information relevant to the investigation. Though I could not confirm that violation of Apple policies occurred, Apple has taken appropriate action to address the findings of the investigation. If, in the future, you have any new concerns and/or experience behavior you feel is retaliatory, please contact your Helen or myself immediately.
- 6/3 me to Jenna, It was good to hear that based on the concerns I raised and the evidence I provided, that there was employee coaching provided to Dan West, David Powers, and some of the men on the MSQ Mgmt team (you didn't provide names). It was also good to hear that employee coaching will be provided ongoing for Dave and Dan related to my concerns. I also appreciate you offering to look into any future issues related to this that rise to retaliation against me or violations of company policy. As mentioned on the phone call today, and documenting here, I do disagree with some of the findings. I do feel like some of the issues should have been considered violations of policy. I also feel like some issues were not properly investigated (including my 2020 feedback about Dave that I sent to Dan, of which you had no memory today of one of the most egregious statements). I also feel like the investigation into Rob Yepez's behavior towards me was closed prematurely — as he told me some very specific things that would have been independently verifiable (i.e. he told me he chartered a private plane in Santorini to fly out himself and a women he was cheating on his wife with after missing their planned flight, etc. — how else would I know that if he wasn't talking to me about how he cheats on his wife). However, I understand that you said the investigation is closed and you will not talk to me about any of these specific issues going forward. Similarly, I don't feel like my concerns about workplace safety in Stewart 1 (aka the TRW Microwave Superfund site) were adequately investigated (no testing) or resolved (EHS & y'all also said you wouldn't answer any more of my questions about that either). As you directed, I'll plan to return to work virtually on Monday with the status quo of my role and reporting structure, and no changes to my role, responsibilities, relationship with Dave or Dan, or anything else. As you directed, I'll reach out to Helen once "I've had time to process this" and work with her to help me figure out a "path forward." As mentioned, I'm not sure what Helen would do or what that means. I raised my ongoing concerns about workplace safety with Dave and Dan before this two weeks off and I'll continue to work with them to identify a way I can "return to work" in September without having to put my health at risk. I also hope EHS will go forward with testing the indoor air in my office, despite their last statement that they might not now (despite years of indoor air vapor intrusion above max EPA industrial limits, and the latest tests showing Ethylbenzene and Tolulene above max EPA industrial limits), and no explanation provided by EHS why they'd decide not to do the testing after previously saying they would do it — other than me pointing out gaps and open questions about the history of the building and Apple's oversight of it). I'm also talking to the Federal EPA about this concurrently.

- 6/8 - I have to present the I&D training I did to Dan staff even though I asked Dave to do it while I was out and asked Jenna if Dave could do it because I don't feel comfortable marketing our I&D training while I'm reporting Dave and a manager (likely Jason) for being sexist
- 6/10 - I then meet with Jenna and she tells me the only other steps are to "complain about her to her manager, but I'm not allowed to discuss any details of the investigation" and to "escalate safety concerns to EHS." She also suggests I request ADA accommodations for remote work so I don't have to go back to Stewart 1. She tells me "I don't need a diagnosis, I just need a doctor signature."
- 6/10: "You said you were concerned that Dave was not coached on gender discrimination: as the investigation did not find any policy violations, the ongoing support for you and Dave to work effectively moving forward is to improve communication between the two of you."-Jenna
- 6/10: "I committed to share your continued concerns with EHS about workplace safety, specifically vapor intrusion in Stewart 1, since they are the appropriate parties to respond. Finally, we talked about the Accommodation process, in response to your concern about the safety of your building with the expectation of returning in September. I advised that now is the right time to begin that process to discuss your accommodation request to continue to work remotely, and pursue documentation from your physician to support that request. Please see the below form to meet with your doctor and begin this process. Since this process can take a while, I recommend we start it now to ensure we have plenty of time in the interactive discussion. " -Jenna
- 7/13: Me: When I talked to Tony last week he told me confidently that no medical staff from Sedgwick would be getting involved in the request, and Sedgwick would simply contact my doctor to confirm he his a doctor and he did sign the paper before approving the request. You might want to sync with Tony before you have the Nurse reach out.This was in line with what you originally told me at the beginning of this process, when you offered the form — that there doesn't need to be a diagnosis and I only need a doctor signature.I can talk to the nurse if I need to, and I do actually have a diagnosis, but it sounds like there's a disconnect on your approach for this.
- 7/13: I refuse to sign that medical release form until it's revised to say I'm only releasing to Sedgwick, not to Apple Inc.

- **Evidence:** Box folder including emails & photos; emails
- **Witnesses:** *You know what y'all did***.**

xix. <u>Ekelemchi Okpo</u>

- **Concerns:** Use of Paid Administrative Leave as a Neg Employment Action; Intimidation; Retaliation
- **Examples:**
  - **5/21:** Jenna to me: Hi Ashley, Thanks for our call this morning. I'm glad to hear you are feeling well supported in this offer of time off. We agreed that you would take administrative leave, with full pay and benefits, starting Monday for two weeks, beginning Monday May 24, 2021 while I look into the concerns you have raised. You will return to work on Monday, June 7, 2021. We agreed this time will not be formally submitted in a time off system, and will not decrease your sick time or paid time off balance. For the next two weeks, we agreed you will not do any work. You will post an away message that lets folks know you will be out, but I left it to your judgement on what else you say about your time out. During this time off, I committed to you that I would continue my review and hope to have findings to share by the end of the two week period. We agreed that the best way to reach you is to send you a text message on your work number. Other than that, we agreed you would not do any work or

respond to work emails during this time. You can continue to contact me with additional information or questions about my investigation at any time.

- 7/27: me to EO & AL: Also as mentioned, I'm still looking for a short-term response to mitigate the current hostile work environment I'm experiencing reporting to Dave and Dan and Helen. I've asked several times now, including today, that all 1:1s with them be in writing only, during the duration of this investigation. I also asked that there not be any new projects added to my workload during the duration of this investigation, and this is especially important now that my manager decided to substantially increase the amount of work I need to do beyond what a single role is capable of, and all unfavorable work. I would like for him not to add any new work beyond what I had a month ago. I do see his current actions with this workload as retaliation and a negative employment action. Also, as I've mentioned, I am actively suffering emotional harm as I'm continued to be exposed to their behavior. I look forward to hearing about next steps on this. Further, as mentioned previously and on going, I am requesting a long term solution to the hostile work environment and unsafe work conditions. At this point it is clear my team will not stop the sexism, harassment, discrimination, and retaliation — so I need to be removed from this situation. As mentioned, I refuse to quit or to take medical leave as a response to the hostility; this is on Apple ER to resolve, not for me to hide from. There are two options we've discussed. First, a new role at Apple that is not a hostile work environment and not in unsafe work conditions (and I mentioned that because I will not be at Apple after Dec 31 2022, I cannot find a new role to transfer to for such a short period of time, so I need your assistance with placement). The 2nd option is an exit package that will compensate me and provide benefits through that time. As mentioned this would only be a payment & exit to mitigate the current hostile work environment and unsafe work conditions and would not include any litigation/arbitration waiver agreements nor any non-disclosure agreements beyond what I've already signed as an employee. Any further contractual agreements beyond what I've already signed would need to be reviewed by my team of lawyers and the compensation for each would need to be negotiated by each new specific requirement.
- 7/16: Antonio adds EO to the investigation
- 7/28: me to EO, text: EO refuses to respond about putting exchanges in writing before my 1:1 w/ Dave that day, texting EO up to the minute, then I cancel the meeting myself and cc EO
- 8/4: Tells me I'm "being put on leave." Refuses to give me any time of timeline or ETA for updates or conclusion. Says I don't need to check email or work phone at all, but also refuses to contact me on my personal accounts. Says I don't even need to respond to the issue confirmation. I ask to continue to use Slack and he says he wants me "removed from work place interactions." I said I wanted the leave to start 8/5, EO said no, starts today/now. I say this feels like a negative employment action, and EO essentially says it's voluntary but I also don't have a choice.
- 8/20 – I asked to attend an apple university class I was previously invited too (and Dean's Cohen & Stout approved me still attending) and EO told me I couldn't go "because I was on leave."

- **Evidence:** Box folder; emails
- **Witnesses:** *You know what y'all did*

H. Apple Real Estate Environment, Health, & Safety

xx. <u>Overall</u>

- **Concerns:** RICO; Negligence, Misrepresentation; Fraud; Recklessness; Violations of Env Laws; OSHA, & Right to Know; Toxic Torts; Corporate Corruption; Organized Intimidation; Organized Witness Tampering
- **Examples:**
  - Worker's compensation claim was denied on May 22, 2021, right before the announcement that the Irvine company and Apple signed a long term lease agreement on May 24, 2021.
  - Apple has many buildings on chemical clean up sites in Santa Clara County, including Superfund sites
  - Apple doesn't disclose this to employees because it decided its not "legally required" unless they have reason to think the employee safety is at risk (see my email notes)
  - Apple hasn't been doing indoor air testing to monitor for vapor intrusion, which is exactly how they'd know if employee safety is at risk (see my email notes)
  - Apple was sued by the CA government for $450k for hazardous waste violations: https://dtsc.ca.gov/2016/12/06/apple-agrees-to-pay-450000-to-settle-hazardous-waste-violations/
  - Apple said they always do above what the law requires for hazardous waste: ""This matter involves an oversight in filing paperwork to close one of our recycling facilities as part of our expansion to a larger site," Apple spokeswoman Alisha Johnson told Reuters in an emailed statement. "We've worked closely with [the Department of Toxic Substance Control] to ensure that going forward we have the proper permits for our current site. As we do with all our facilities, we followed our stringent set of health and safety standards, which go well beyond legal requirements." https://www.reuters.com/article/us-apple-waste-violations-idUSKBN13V2HS. Alisha Johnson reports to Lisa Jackson at Apple. https://www.bustle.com/life/alisha-johnson-apple-racial-equity-justice-initiative. Lisa was former head fo the federal EPA, Alisha used to be press secretary for the federal EPA: https://impactclimate.mit.edu/apple/
  - Federal EPA only responded after I told them about Ronald Sugar, Michael quitting, the cracks in the floor, and the press.
  - I filed a workers compensation claim for fainting in the office in 2019 due to the chemicals (see notes). Sedgwick was going to pursue it but the claim was mysteriously claimed on Saturday night with a strange voicemail from the investigator and then on monday morning, it was announced Apple signed a mega deal with Irvine Company over the weekend for a massive amount of office space on chemical clean up sites in Sunnyvale
    - https://www.eastbaytimes.com/2021/05/24/apple-mega-deal-iphone-maker-huge-sunnyvale-expansion-real-estate-tech/
    - https://www.mercurynews.com/2021/05/24/apple-mega-deal-iphone-maker-huge-sunnyvale-expansion-real-estate-tech/
  - Me having to fill out the ADA accommodation remote work request to not be poisoned
  - 7/2, Jenna says: Antone recently shared an update on SD01 that I am also forwarding on his behalf: In May we performed step one of a three step process. We did the floor pathway survey, checking for cracks and gaps that can build over time due to natural floor movement. Based on that, we developed a floor sealing plan. Right now, we are in step two scheduling the floor crack sealing work by a contractor (expected within a month according to verbal from the construction management team). Once the floor sealing is complete, we will schedule step three the indoor air testing at a TBD date. When that is done, we will provide you the data. Please let me know if you have any questions.

- 7/8: me to Jenna & EHS: Good luck on your next adventure, Michael! And congrats on your promotion / re-org, Antone! I didn't realize Apple hired an external manager, Robert Thomas, two months ago to lead "Global Environmental Compliance!" Does that mean the vapor intrusion due diligence is now formally under Real Estate & Development instead of EH&S? Scott's not doing it anymore? I remember having a phone call with Elizabeth Schmidt in mid-September 2020 about my chemical exposure at my apartment and the building uphill that Apple previously leased for industrial use (it had a groundwater plume flowing in direction of my apartments). She had said she led a Real Estate & Development team — I didn't realize she also had EH&S under her as well. Or was that a recent re-org too? [no reply]
- 7/16: me: to Tony, As previously discussed at length, I have serious concerns about work place safety of my building, and Apple's other buildings on chemical release sites. At least for my building, from what I've seen, Apple appears to have been negligent with properly managing the vapor intrusion from the three toxic groundwater plumes under the building. Also, as mentioned, I believe I have already been injured by the vapor intrusion in 2019 (the workers comp claim I filed). The last time we talked, when I mentioned Jenna offered me remote work to satisfy my personal concerns about having to go back to an office on chemical release site after what already happened there and what happened last to me last year causing the seven months of disability. When you and I talked, you reassured me that medical records wouldn't be requested and that Sedgwick wouldn't do more than simply confirm a doctor said I need an accommodation and then would approve. I also expressed concern that my HR Biz Partner Helen already implied my request woul d be denied and was bullying me about even requesting it. You said you would talk to her and Jenna. I wanted to let you know, Sedgwick sent me this very long list of follow up questions this morning for my doctor to answer. They also required me to sign a medical release form. As mentioned, I was extremely uncomfortable signing the form Jenna sent me which released all my records to "Apple Inc" but Jenna refused to provide a revised form that only said Sedgwick. Sedgwick provided me a better form and I did sign it, because she said if I didn't my request couldn't be processed. Can you please provide some clarity on all this? Does my doctor really need to answer all of these questions Sedgwick is asking for? Or is there a way to reign this all in and do what you said the process would / should be, and as long as a doctor says I need a medical accommodation of full remote work, then that should be approved?
- After EH&S notifies me of cracks in the floor, and misrepresents situation during meeting, I notify the press & Federal EPA. EH&S, via ER, refuses to tell me what they're doing or give any updates. Also refuses to test the air before they fix the cracks. Meanwhile, I'm working with colleagues to gather evidence (pics, air testing) up to the morning of 8/4, and ER knew. Team said EH&S was onsite in our building starting 8/4.
    - 8/11: EHS Walkthrough
    - 8/18: EHS Walkthrough and "Assessment"
    - 8/19: EHS Walkthrough and "Assessment"

- **Evidence:** See Box folder, emails, & links above.
- **Witnesses:** *You know what y'all did*

xxi. Michael Steiger

- **Concerns:** Fraud, Misrepresentation, Negligence, Recklessness
- **Examples:**

- Development plan approved by city in October 2013:
- Apple's haz waste due diligence leader Michael Steiger joined apple in Dec 2013, after being a director at EKI:
- EKI did the haz waste clean up for Apple Park
- Michael Steiger going on medical leave & quitting, major re-org after
- 5/17: me to EHS & Jenna: "I have access to all publicly available information about the site per the gov websites. The report Michael previously shared should include all details for both May & Dec 2015 testing. Unless VI testing is done in the future, no additional data will be shared. If VI testing is done in SD01 in the future, the results will be shared with me. There is no timeframe for testing for vapor intrusion in Stewart 1. EHS might not test for vapor intrusion in Stewart 1 this year, or near future — they are looking over the building evaluation report and then will make a decision at an unspecified time whether they do VI testing or not. Michael said that as an expert, he and EHS have reviewed the data for SD01 and feel there is no Vapor Intrusion occurring there and they've done what's necessary to ensure the safety of the building for the people working there. (He said this all really quickly, so trying my best to summarize). As for the EthylBenzene & Tolulene, Michael said those are not attributable to vapor intrusion in SD01 because they are not contaminants of concern. And that there was no evidence they exceeded OSHA PEL limits in the building. If I have any non-VI chemical questions, can arrange for a workplace evaluation by Austin. Michael said would never turn HVAC off and if it someone said they did during wildfires, that must be a miscommunication. Questions about land use restrictions are questions for the EPA. Any additional questions I have about the specifics of soil/groundwater chemicals & vapor intrusion at the site, including my pending questions from April, will not be answered by EHS, since EHS has determined they feel confident there is no vapor intrusion in the building based on the historical tests and documents. Jenna said I have a right to share concerns and talk to anyone about my concerns about the building. She said Apple would never restrict my right to speak about work place safety concerns. She said Apple would appreciate if I try to keep information accurate and also route people to EHS with questions, but not a requirement.
- 7/2 Jenna says: I'm sending an iCal for a follow up call next week with EHS. Michael will be leaving Apple shortly after our call, so Antone Jain will be joining our call as well to step into the conversation in Michael's place. As Antone is responsible for scheduling some of the next steps in the testing we have discussed, he is very knowledgable about the program. "
- 7/8: meeting notes from me to Jenna & ER: Antone & Michael kept saying this is routine maintenance but said this year is also the first time this routine maintenance process is being kicked off for Apple buildings on chemical clean-up sites with risks of vapor intrusion. I asked if Apple has done this floor-sealing work in other buildings with employees currently working in them and I was told "they have done it for two or three buildings." I said I was concerned they were misrepresenting the "routine-ness" of this work this year & I asked which buildings they did the "routine floor sealing" in previously and Jenna told me "they won't discuss buildings I'm not in," "won't answer that question," and "that level of detail is not appropriate for this call." EH&S refuses to test the indoor air before they seal the vapor intrusion pathways, saying the 2015 results show the mitigation was working. I asked if the change of building circumstances (i.e. cracks, holes) don't then need an evaluation to see if there was VI and then confirm the new fixes actually fix it — they said no. When the indoor air is eventually tested at some unknown point it will be with passive samplers with HVAC on & running as normal, and employees inside working as normal. I expressed concerns that HVAC brings in outdoor air and will dilute the air

inside — and employees working inside can cause their own chemicals releases which can can disturb / comprise the results. I also mentioned if the results come back high, then EH&S can then say it was the employees causing the chemicals (like they did in 2015 with the unconfirmed "construction" chemicals). Michael and Atone say their testing plan is "protocol" and "over and beyond" Antone/Michael/Jenna will not answer any of my additional questions, or provide additional questions, or provide any guidance around risk & exposure other than "they feel it is safe."

- **Evidence:** Box folder including emails & photos; emails
- **Witnesses:** *You know what y'all did*

5. Board of Directors

I. Finance & Audit Committee

xxii. Ronald Sugar

- **Concerns:** Conflict of Interest, Corruption; Fraud
- **Issues:**
  - Ronald Sugar used to be CEO/President of TRW Microwave then Northrup Grumman.
  - Mr. Sugar is now on the Board of Directors for Apple as chair of the finance & audit committee. The committee appears to oversee the finance and oversight of the due diligence programs for chemical clean-up site offices, including the TRW Microwave Superfund, which is the office I work in.
  - His previous companies (TRW & NG) caused the contamination that is now being cleaned up under my office. My office is designated as the EPA's "TRW Microwave" Superfund site. (Part of the "Triple Site" of 3x Superfund groundwater plumes in Sunnyvale, CA).
  - Is Sugar overseeing the due diligence program for clean-up, testing, employee complaints, finance for this office that his previous company caused the pollution for & is still responsible to clean up?
  - Did he notify the General Counsel of this conflict of interest?
  - Has he taken any actions that are favorable to NG/TRW and forsake proper safety & protection for Apple employees?
  - I have been reporting safety concerns in that office since March 2021 and have escalated further concerns that EH&S has been negligent, reckless, misrepresented their activities, and have intimidated me to not speak out about the safety concerns.
  - The Federal EPA was notified. of my concerns & notified Apple ER & EHS of my contact with the gov at that time..
- **Evidence:** Box folder including emails & photos; emails:
  - The Finance & Audit committee 2020 charter includes responsibilities such as:
    - The purpose of the Committee is to: 1. Assist the Board in oversight and monitoring of: compliance with legal, regulatory and public disclosure requirements; the independent auditors, including their qualifications and independence; enterprise risk management

  - Review with management and the independent auditors any correspondence with regulators or governmental agencies and any employee complaints regarding the Corporation's financial statements or accounting policies.
  - https://s2.q4cdn.com/470004039/files/doc_downloads/2020/20200819-Audit-and-Finance-Committee-Charter.pdf
- Guidelines Regarding Director of Conflicts of Interest says
  - Directors should take all reasonable steps to avoid conflicts of interest with the corporation.
  - Any director who becomes aware of an actual or potential conflict of interest with the Corporation at any time shall notify the Corp GC promptly in writing of the material facts of the actual or potential conflict of interest.
- Corporate Governance Guideline say:
  - The Board expects its directors, as well as officers and employees, to act ethically. Directors are expected to adhere to the Corporation's Business Conduct Policy and the Guidelines Regarding Director Conflicts of Interest.
  - https://s2.q4cdn.com/470004039/files/doc_downloads/2020/20200819-Corporate-Governance-Guidelines.pdf
- https://semspub.epa.gov/work/09/1158562.pdf
- https://www.apple.com/newsroom/2010/11/17Ronald-D-Sugar-Joins-Apples-Board-of-Directors/
- https://cumulis.epa.gov/supercpad/SiteProfiles/index.cfm?fuseaction=second.Cleanup&id=0901181#bkground
- https://www.microwaves101.com/encyclopedias/where-are-they-now#trw

- **Witnesses:** Business Conduct? Gov Affairs? *You know what y'all did*
- **Business Conduct Report:** Support Request HRC000017207
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