IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF KING

Michelle Merrin vs Teller and Associates, PLLC	No. 19-2-15310-5 SEA **CASE INFORMATION COVER SHEET AND AREA DESIGNATION** (CICS)

CAUSE OF ACTION

TTO - Tort /Other

AREA OF DESIGNATION

SEA	Defined as all King County north of Interstate 90 and including all of Interstate 90 right of way, all of the cities of Seattle, Mercer Island, Issaquah, and North Bend, and all of Vashon and Maury Islands.

SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

Michelle Merrin,

Plaintiff,

v.

Teller & Associates, PLLC, and Stephen Aiden Teller and His Marital Community with Jane Doe Teller,

Defendants.

NO: 19-2-15310-5 SEA

Complaint for Damages and Further Relief

Plaintiff Michelle Merrin, through her attorney, brings this action under Washington State's common law and chapter RCW 49.60 or SMC 14.04, to redress damages defendants caused based on acts and omissions related and amounting to sexual harassment, gender discrimination, hostile work environment, retaliation, constructive discharge, the torts of negligence, assault, battery and outrage and upon information and belief alleges the following,

Parties, Jurisdiction and Venue

1.1 Teller & Associates, PLLC (Teller Firm) is a Washington professional limited liability corporation doing business in King County.

1.2 Mr. Stephen Aiden Teller (Mr. Teller) and Jane Doe Teller reside in King County.

1.3 At all relevant times, Mr. Teller acted on behalf of himself personally, and professionally, and on behalf of his law firm, and his marital community.

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1.4 Teller Firm is a Seattle Washington based law firm focusing on employment law claims.

1.5 At all relevant times, Mr. Teller was Plaintiff, Michelle Merrin's (Ms. Merrin), direct manager and supervisor at Teller Firm.

1.6 At all relevant times, Mr. Teller was the sole owner of Teller Firm.

1.7 At all relevant times, Teller Firm employed at least eight (8) employees, directly or indirectly.

1.8 Ms. Merrin is a woman and resides in Lake Stevens, Washington.

1.9 Most of defendants' acts and omissions, at issue in this lawsuit, occurred in King County Washington, many at Teller Firm's offices in Seattle, Washington.

1.10 This court possesses jurisdiction over the subject matter of this action and over each defendant.

1.11 Venue is proper under RCW 4.12.020 and RCW 4.12.025 in this Court and its Seattle Division.

Factual Background[1]

2.1 At all relevant times, between November 2015 and October 2018, Ms. Merrin worked for Mr. Teller and the Teller Firm as a paralegal.

2.2 Ms. Merrin was dedicated to her job. She worked hard and was successful at the Teller Firm.

2.3 In many respects, Ms. Merrin's job with the Teller Firm was the best job Ms. Merrin had ever held. She enjoyed helping clients and supporting the work of Mr. Teller and the other attorneys.

[1] The facts presented here provide an overview of Mr. Teller's acts of abuse and negligence. They are not complete.

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2.4 Ms. Merrin's hard work paid off. After two years with the firm she was able to purchase a new home of which she is very proud.

2.5 Unfortunately, during Ms. Merrin's employment, Mr. Teller subjected Ms. Merrin to severe, pervasive, and escalating sexual harassment and abuse that created a gender-based hostile work environment.

2.6 Teller Firm did nothing to prevent, stop, or remedy the abuse.

Negligent Conduct

2.7 Defendant Teller is an experienced attorney who has gained the respect of many of his colleagues in the legal community by portraying himself as a champion of the powerless over the powerful in the employment law arena.

2.8 Mr. Teller's firm website reads in part,

> "Sexual Harassers Tend to be Predators. They will continue preying on victims who they believe to be vulnerable until they are stopped. In some situations, these predators may believe that because they are "the boss" they have a right to say and do whatever they want to employees."[2]

2.9 The Firm website goes on to proclaim that employers must follow the law, that they cannot "act however they wish."

2.10 Despite Mr. Teller's decades of experience holding others responsible for sexual harassment, and his first-hand knowledge of the devastation that harassers cause their workplace victims, Mr. Teller held himself above the law, subjecting Ms. Merrin to years of unwanted embraces, massages, groping and other crude assaults.

2.11 Mr. Teller knew the anxiety and powerlessness that he would produce in Ms. Merrin if he subjected her to these inappropriate acts, but he did them anyway.

[2] www.stellerlaw.com/sexual-harassment (last visited by Nicole Gainey on May 21, 2019, 1:20 pm)

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2.12 Mr. Teller groomed Ms. Merrin to submit to the abuse, and to keep quiet, by increasing the sexual nature of the abuse over time. At the same time, he used conflicting lines of praise – some professional and others inappropriately personal – to keep Ms. Merrin confused about and submissive to his abuse.

2.13 In stark contrast to the standards to which defendants properly hold other employers, defendants allowed Ms. Merrin no pathway to escape the abusive situation that would not threaten her job.

2.14 Defendants failed to establish or provide any written policy forbidding sexual harassment or gender-discrimination in the workplace.

2.15 Defendants failed to establish or provide any written policy or procedure for reporting sexual harassment and discrimination in the workplace.

2.16 Defendants failed to establish or provide any formal or informal policy for handling sexual harassment and discrimination in the workplace whether written or oral.

2.17 Defendants provided no human resources department or human resources representative to handle employee complaints of sexual harassment or discrimination.

2.18 Defendants failed to provide employees with any employee handbook or employee manual outlining what they should do if they encountered sexual harassment or discrimination in the workplace.

2.19 All of the attorneys and staff of the Teller Firm reported directly to Mr. Teller.

2.20 The firm attorneys depended on Mr. Teller for their livelihoods, and the attorney's professional reputations were tied to that of Mr. Teller's.

Defendants' Acts Constituting Sex Discrimination, Sexual Harassment, Hostile Work Environment, Assault, Battery, and Outrage

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2.21 During the course of Ms. Merrin's employment with defendants, Mr. Teller frequently touched Ms. Merrin inappropriately. The touches were offensive.

2.22 Ms. Merrin did not welcome, illicit, or incite this touching.

2.23 The touching began as improper and unwanted embraces and escalated over time.

2.24 Mr. Teller called the embraces "magic" or "miracle" hugs.

2.25 The improper and unwanted embraces were unsolicited and offensive to Ms. Merrin and occurred because of Ms. Merrin's gender.

2.26 During these hugs, Mr. Teller not only embraced Ms. Merrin for an inappropriately long time, he also smelled her hair, ran his hands up and down her back and along the sides of her torso, and moaned into her neck.

2.27 Mr. Teller subjected Ms. Merrin to these improper and unwanted embraces outside the view of others.

2.28 If other people walked in during such an embrace, Mr. Teller would immediately jump back to avoid being caught.

2.29 As the harassment increased, when Mr. Teller would call Ms. Merrin into his office, Ms. Merrin would carry as many folders and notepads as possible to put a barrier between herself and Mr. Teller.

2.30 Mr. Teller's inappropriate actions disrupted Ms. Merrin's work. Mr. Teller's actions caused Ms. Merrin anxiety and distress which became increasingly difficult for her to cope with as the abuse continued.

2.31 The abusive harassment escalated over time to include unwanted massages, touching Ms. Merrin's stomach and breast, cupping or groping her buttocks, as well as continued demands for "magic hugs."

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2.32 Ms. Merrin found the behavior highly offensive and progressively threatening. She would often freeze up and become unable to talk or move when Mr. Teller abused her. At other times, she would become agitated and her movements would be jerky. Mr. Teller's assaults left Ms. Merrin feeling confused, angry, and deeply ashamed. She would often flee the office afterward.

2.33 Ms. Merrin was terrified of losing her job and of the financial devastation that losing it would cause. She did what she could to normalize Mr. Teller's inappropriate behavior. She made excuses for Mr. Teller. She told herself he didn't mean anything by it, that he wasn't intentionally hurting her, and that it would stop after he got married.

2.34 After Mr. Teller would abuse her, Ms. Merrin would often go home and cry.

2.35 One night as she was crying in another room, she overheard her adult son say, "Mom's boss is probably touching her again." Ms. Merrin was mortified.

2.36 In early 2017, a co-worker noticed Ms. Merrin's distress and recommended that she see a therapist.

2.37 On or about October 4, 2017, Mr. Teller entered Ms. Merrin's office. He stood above Ms. Merrin who was seated at her desk. He leaned his groin into her arm. Telling herself that the contact must be accidental; but also wanting to set a boundary, Ms. Merrin pushed Mr. Teller in the stomach to indicate that he should back up away from her. Mr. Teller did not back up. Instead, he reached down and slowly caressed Ms. Merrin's stomach. Ms. Merrin froze. Mr. Teller then kissed the top of her head and left the office for the day.

2.38 Ms. Merrin was upset and fearful that Mr. Teller was unwilling to respect her boundaries.

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2.39 As the abusive behavior continued, Ms. Merrin tried to illicit help from the three female associate attorneys.

2.40 She called one attorney at night and asked her out to lunch the next day. When the attorney failed to follow-up on the invitation Ms. Merrin sought help elsewhere.

2.41 Ms. Merrin asked another attorney, "Who do you report to when the boss is the abuser?" The attorney answered, "There is no one."

2.42 Ms. Merrin asked another attorney, "When do you report harassment to the EEOC?" The attorney provided Ms. Merrin with a booklet of information with the section on reporting harassment highlighted.

2.43 None of the attorneys asked Ms. Merrin why she was asking, or if she needed help.

2.44 Ms. Merrin also asked a staff member if Mr. Teller hugged them. The employee demonstrated how they avoided Mr. Teller by twisting away from him when he sought to embrace them.

2.45 Ms. Merrin was afraid to confide more directly in her co-workers because she feared they would blame her for disrupting and jeopardizing their work lives, that they would support their boss instead of her, and that she would thereby lose her job and home.

2.46 As time went on, Ms. Merrin knew that her continued employment and employment benefits were contingent on her submitting to Mr. Teller's abuse.

2.47 Mr. Teller penalized Ms. Merrin when she sought to avoid physical contact with him or otherwise resisted his harassment or acted in any way that threatened to reveal his unlawful behavior. At such times, Mr. Teller would ridicule Ms. Merrin's work, or ignore her work communications, or withhold part of a promised raise. Letting her know by his actions that he controlled her livelihood and that he could diminish or revoke it at any time if he desired.

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2.48 In November 2017, Mr. Teller kept Ms. Merrin at the office late into the evening on a Sunday. Alone together, he began discussing what he referred to as their "special relationship." While sitting close to her, Mr. Teller told Ms. Merrin his view of how some men abuse power. He talked at length and told Ms. Merrin that their "special relationship" was not based on his abuse of power. The conversation made Ms. Merrin extremely uncomfortable. It was late and they were alone at the office. Not for the first time, Ms. Merrin felt that Mr. Teller was testing her to see if she would ever tell anyone about his abuse. As Ms. Merrin became more and more uncomfortable, she had the growing sense that Mr. Teller enjoyed her discomfort. That the real reason for these conversations, and for his supposed apologies and explanations, was to make and watch her squirm.

2.49 In early 2018, Mr. Teller and the entire Teller firm met with a representative of the Washington Association of Justice over lunch to discuss, among other things, their role as employment attorneys in context of the #metoo movement.

2.50 While Mr. Teller and the firm's other attorneys and staff engaged in a lively conversation about female empowerment, Ms. Merrin became embarrassed and upset. She was insulted by the firm's hypocrisy. She felt like she wanted crawl out of her skin. A co-worker noticed her stabbing angrily at her food and asked her tersely what she was doing. Mr. Teller made a point of not looking at Ms. Merrin during the meeting.

2.51 Sadly, Mr. Teller's father has been ill for many years.

2.52 Mr. Teller often shared the details of his Father's medical progress or decline with Ms. Merrin. In this way, Mr. Teller played on Ms. Merrin's sympathy. He used his father's illness as an excuse to demand "magic hugs" from Ms. Merrin.

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2.53 In or around February 2018, Mr. Teller again used his father's declining health to demand more frequent "magic hugs" from Ms. Merrin.

2.54 Ms. Merrin continued to submit to Mr. Teller's demands for "magic hugs," and Mr. Teller continued to extend and sexualize what was meant only as a brief sympathetic hug.

2.55 Around the same time, the Teller Firm made plans to bring on another employment attorney, Patty Kuderer, as "of-counsel."

2.56 Ms. Merrin was worried because Ms. Kuderer, who was also Ms. Merrin's former employer and mentor, is a local politician and women's advocate. Ms. Merrin did not want to see her friend harmed by more closely associating with Mr. Teller and his hypocritical conduct. Ms. Merrin's anxiety increased.

2.57 In the spring of 2018 through the fall of 2018, the abuse again escalated.

2.58 In April 2018, Ms. Merrin's car broke down. She was out of the office working from home for over a week. When she returned, Mr. Teller seemed manic about having her back in the office. The morning she returned, he subjected Ms. Merrin to a long hug. Within hours he called her to his office, asking for a case update. While she provided the update, Mr. Teller ogled her. Ms. Merrin asked him why he was looking at her like that. In response, Mr. Teller took her face in his hands saying, I know this is inappropriate. but I can't help myself. Ms. Merrin was distressed and tried to refocus Mr. Teller on the cases they were discussing. Mr. Teller soon told her to come around to his side of his desk so that he could show her something. Instead of showing her something, he remained seated while she stood in front of him, his eyes at the level of her breasts he moved closer to her. Ms. Merrin backed away from him and prepared to get her things and leave the office – telling him he had a consult soon. He complained, "but we aren't finished yet!" To avoid further abuse, Ms. Merrin snuck out of the office and went home to

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work. Mr. Teller ignored her for the rest of the day, making it difficult for her to work. The overexcited behavior continued in the following days to such a degree that Ms. Merrin was sure that co-workers must have noticed Mr. Teller's behavior.

2.59 On or about June 15, 2018, Ms. Merrin was required to drive to a deposition with Mr. Teller. In his car, Mr. Teller began complimenting Ms. Merrin on her looks. He told her how pretty he thought she was and how much he liked talking to her. Ms. Merrin grew very anxious and flustered. She fumbled with her seatbelt and was unable to get it buckled. Mr. Teller reached over to buckle the seatbelt for her and placed his hand on her breast. Mr. Teller left his hand there for some time. Ms. Merrin panicked and began to sweat. She looked up at Mr. Teller who was smirking. Ms. Merrin rolled down the window to get some air. Mr. Teller again smirked and rolled the window back up. He then took her hand and held it while he drove. Ms. Merrin was uncomfortable and afraid to move.

2.60 In July 2018, Mr. Teller and Ms. Merrin were working on discovery together. While seated next to her, Mr. Teller caressed Ms. Merrin's leg. Ms. Merrin tried to move away from him. Mr. Teller then stood up and started massaging Ms. Merrin's shoulders and back. Though Ms. Merrin repeatedly told Mr. Teller that she was fine and that she didn't need a massage, Mr. Teller continued and then put his hand down the inside of Ms. Merrin's shirt. Ms. Merrin stood up and told Mr. Teller he could finish the discovery.

2.61 On another occasion, Ms. Merrin and Mr. Teller were walking to a meeting in downtown Seattle. Ms. Merrin had her hands full of documents. Mr. Teller cupped her buttocks with his palm as they walked. Ms. Merrin moved away from Mr. Teller and asked, "you do know your hand is on my butt, right?" Mr. Teller said something like, "Yes, I'm not sure if that was an accident or not." Ms. Merrin was confused by Mr. Teller's response.

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2.62 At the meeting, Mr. Teller told another attorney, "When a boss grabs an employee's butt he has to pay." Ms. Merrin was embarrassed that Mr. Teller would use that as an example and feared that he was again toying with her.

2.63 Around the same time, on the way back from another work meeting Mr. Teller suggested he and Ms. Merrin find a place to go and massage each other's butts. Ms. Merrin told Mr. Teller to let her out of the car.

2.64 Ms. Merrin sometimes joined Mr. Teller when he interviewed prospective new clients.

2.65 As Ms. Merrin's ability to compartmentalize and minimize Mr. Teller's abuse broke down, so did her ability to partake in meetings with other sexual harassment victims. She became increasingly uncomfortable in these meetings. At times, she would become visibly embarrassed, flustered, and distressed in reaction to Mr. Teller's hypocrisy. It became difficult for her to conceal her feelings, as Mr. Teller expressed sympathy, and supposed righteous outrage, to other victims of sexual harassment.

2.66 Mr. Teller must have noticed Ms. Merrin's discomfort, because he said to Ms. Merrin, "I can't imagine what you are thinking during these meetings." Eventually, Mr. Teller excluded Ms. Merrin from all such meetings.

2.67 In August 2018, Mr. Teller told Ms. Merrin, while stroking her arm in a sexual manner, "Don't worry I'm not giving you this bonus because you are pretty."

2.68 Ms. Merrin was humiliated and understood by his actions that Mr. Teller meant the exact opposite of what he was saying.

2.69 On another occasion, Ms. Merrin became so anxious while Mr. Teller was touching her, that she inadvertently scribbled on some original client documents – ruining them. Though

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ruining original documents can cause serious problems in some legal cases, Mr. Teller shrugged the mistake off. After the incident, however, Mr. Teller began his abusive episodes by slowly moving client documents out of Ms. Merrin's reach. Sometimes as he performed this ritual, Mr. Teller would say something to the effect of, I know what I'm about to do is wrong, but I can't help myself. This ritual of moving documents slowly away from Ms. Merrin before he touched her, coupled with the threat and admission of imminent wrongdoing, caused Ms. Merrin additional fear, anxiety, and dread.

2.70 On or about, September 4, 2018, Mr. Teller went into Ms. Merrin's office where she was seated at her desk. Mr. Teller again leaned his groin into Ms. Merrin's arm. This time, he rubbed his semi-erect penis forcibly against her. Ms. Merrin was horrified. Mr. Teller looked past her smirking.

2.71 Mr. Teller's actions were outrageous and extreme and went beyond all bounds of decency causing Ms. Merrin humiliation and severe emotional distress.

2.72 In desperation, and with no avenue to report the attack internally, Ms. Merrin reached out to Ms. Kuderer for help.

2.73 Ms. Kuderer was outraged at Mr. Teller's behavior. She advised Ms. Merrin to confront Mr. Teller directly or to hire an attorney.

2.74 The thought of confronting Mr. Teller directly caused Ms. Merrin more distress and anxiety.

2.75 On September 24, 2018, Ms. Merrin, through counsel, notified the Teller Firm about the sexual harassment perpetrated agaisnt her by Mr. Teller.

2.76 Ms. Merrin provided defendants with a doctor's note excusing her from work. She asked to work remotely and to have no contact with Mr. Teller.

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2.77 Despite these requests, the defendants repeatedly demanded in-person meetings on short-notice to interrogate Ms. Merrin about her claims.

2.78 Defendants also threatened to send one of the firm's attorneys to Ms. Merrin's home.

2.79 In response, Ms. Merrin's anxiety sharply increased. Her working conditions, which had been intolerable, became impossible.

2.80 On October 8, 2018, having no other reasonable choice, Ms. Merrin resigned.

Causes of Action

Discrimination, Quid Pro Quo Sexual Harassment, Hostile Work Environment, Constructive Discharge in Violation of Public Policy, Retaliation

3.1 Defendants actions against Ms. Merrin violated the Washington Law Against Discrimination and Seattle Municipal Code 14.04 forbidding workplace sexual harassment. Mr. Teller subjected Ms. Merrin to offensive, unwelcomed, ongoing sex-based conduct. The sex-based conduct by Mr. Teller towards Ms. Merrin was offensive and unwelcome contact that Ms. Merrin regarded as offensive and did not incite. Liability for the harassment and the harm caused by the harassment is imputed to Teller Firm because at all relevant times, Mr. Teller, the perpetrator of the abuse, was the owner and manager of Teller Firm. Additionally, though superfluous to meet her burden of showing liability on the Firm's behalf, Teller Firm is liable because it knew or should have known of the conduct and did nothing to stop it. The conduct was on-going throughout Ms. Merrin's years of employment. Ms. Merrin was often in obvious distress after meeting with Mr. Teller and during meetings in which all were present. Additionally, Ms. Merrin asked her co-workers loaded questions about Mr. Teller, and about solutions to sexual harassment problems, obviously looking for help. Yet the Teller Firm turned a blind eye, failing to take protective or corrective actions designed to prevent or end the abuse.

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3.2 The abuse was severe and pervasive. The abuse was ongoing. The inappropriate embraces happened often. On days Mr. Teller did not demand a "magic hug," Ms. Merrin feared he would. The abuse escalated overtime to include Mr. Teller groping Ms. Merrin and rubbing his penis on her arm in a self-gratifying manner. The inappropriate behavior reasonably altered the terms and conditions of Ms. Merrin's employment and created and maintained a hostile work environment for Ms. Merrin based on her gender which substantially interfered with her ability to perform her job.

3.3 Mr. Teller expressly or implicitly threatened to change, and did change, Ms. Merrin's work status or conditions unless she submitted to his wrongful conduct and sexual acts.

3.4 Mr. Teller denied Ms. Merrin part of a promised raise in retaliation for her becoming emotional in meetings and thereby threatening to expose his abuse and for otherwise trying to avoid his unlawful abuse.

3.5 After Ms. Merrin came forward, defendants callously ignored her work-related anxiety, threatened to come to her home, and demanded short-notice, in-person meetings causing Ms. Merrin additional distress.

3.6 Defendants created an environment where resignation was the only reasonable option for Ms. Merrin.

Negligence and Negligent Infliction of Emotional Distress

3.7 Defendants breached their duty of care under applicable laws and workplace standards to protect Ms. Merrin from unnecessary physical and emotional harm.

3.8 Defendants knew or should have known that Ms. Merrin was being repeatedly harmed by Mr. Teller, but failed to protect her from, or stop, the abuse.

3.9 Ms. Merrin was harmed by defendants via assault, battery, and discrimination

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based on her gender, rising to the level of a hostile work environment causing her severe emotional distress.

3.10 Defendants' negligent acts or omissions caused Ms. Merrin harm and damages.

3.11 Defendants are liable for the damages their acts or omissions caused Ms. Merrin.

Assault, Battery and Outrage

3.12 Mr. Teller intentionally or negligently engaged in harmful and offensive physical contact with Ms. Merrin, causing injury to her, which constitutes the tort of battery.

3.13 Mr. Teller intentionally or negligently caused Ms. Merrin to apprehend imminent harmful and offensive contact, constituting the tort of assault.

3.14 Mr. Teller's actions were extreme and outrageous, constituting intentional or reckless infliction of emotion distress, and resulted in severe emotional distress to Ms. Merrin, which constitutes the tort of outrage.

Other Claims

3.15 Plaintiff reserves the right to conduct discovery into alternative claims and additional parties and to amend these charges as necessary.

Damages

As a direct and proximate result of the acts, omissions, or other conduct of defendants identified above:

4.1 Ms. Merrin has suffered and continues to suffer damages, including, lost income, emotional distress, anxiety, humiliation, loss of reputation, loss of earning potential, loss of enjoyment of life, and other damages to be determined at trial.

Relief Requested

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A. For award and entry of judgment agaisnt defendants Mr. Teller and Teller firm, jointly and severally, for the full amount of damages proven at trial including past and future compensatory, economic, non-economic, general and emotional distress damages, for pre-judgment interest on liquidated amounts as allowed by law, and for an enhanced amount permitted to offset the adverse taxation on an award of economic damages;

B. For award and entry of judgment against defendant Mr. Teller in favor of plaintiff for damages for assault, battery and outrage;

C. For award and entry of judgment against defendants Mr. Teller and Teller firm, jointly and severally, for all appropriate costs, litigation expenses, and attorneys' fees;

D. For entry of injunctive or other mandatory relief against Mr. Teller and Teller firm to ensure compliance with federal and state discrimination laws, including training, monitoring, oversight by an appropriate agency or individual, or as otherwise deemed necessary by the Court; and

E. For such other relief as the Court deems just and equitable.

Dated this 10th day of June 2019.

GAINEY LAW PLLC

By: _____
Nicole G. Gainey, WSBA #47768
Attorney for Plaintiff Michelle Merrin

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