

ER

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT

MARY TAMER,
Plaintiff

v.

EDUCATION REFORM NOW
ADVOCACY; EDUCATION REFORM
NOW; and DEMOCRATS FOR
EDUCATION REFORM,
Defendants.

PLAINTIFF'S COMPLAINT AND JURY DEMAND

PARTIES

1. The Plaintiff, Mary Tamer, is an individual residing in West Roxbury, Massachusetts.
2. The Defendants, Education Reform Now Advocacy (ERNA), Education Reform Now (ERN), and Democrats for Education Reform (DFER) (collectively "Respondents") are affiliated entities with a headquarters at 276 5th Avenue, Suite 704 #915, New York, New York 10001.

FACTS OF THE COMPLAINT

3. Ms. Tamer began her employment with the Defendants on March 21, 2022, as the Massachusetts Executive Director. Her initial compensation included an annual base salary of \$190,000, which increased to \$195,700 by 2024.
4. Ms. Tamer received the maximum possible bonus payment of \$15,200 in 2023, reflecting her solid performance and value to the Organization. Throughout her tenure, Ms. Tamer consistently received outstanding performance reviews, including "Exceeds

Expectations" ratings in both 2022 and 2023. Ms. Tamer was an excellent performer for the Defendants.

5. In April of 2023, the Organization hired Jorge Elorza to serve as CEO.
6. Soon after Mr. Elorza's hiring, reports began to surface of Mr. Elorza asking younger female employees how old they were in a condescending manner. Within three months of Mr. Elorza's arrival, COO Shakira Petit left the Organization. Shortly afterwards, CFO Sheri Adebisi was terminated after questioning Mr. Elorza's financial decision-making.
7. In October of 2023, at an all-staff retreat in Nashville, additional incidents occurred, including Mr. Elorza asking women about their ages and subjecting them to dismissive treatment. In stark contrast, male employees, including male executive directors, were treated well by Mr. Elorza, their opinions valued and their roles protected.
8. Both before and after the October retreat, Ms. Tamer reached out to Human Resources to speak confidentially about her concerns regarding Mr. Elorza's leadership and treatment of women, especially older women.
9. On November 1, 2023, board members Marlon Marshall and John Petry sent an email to all staff acknowledging the toxic culture and announcing plans to engage an external expert for a culture audit. In January, 2024, the Board received a highly damning report from HR investigator Ritu Pancholy. Soon thereafter, presumably as a result of the report and the organization's response thereto, Board member and organizational founder Charlie Ledley and then Board Chair Marlon Marshall resigned. Upon information and belief, Mr. Ledley told the Board that Mr. Elorza should be terminated based on the contents of the report.

10. After inquiring about Mr. Elorza's decision to join a Koch-funded right-wing coalition that seemed contrary to the organization's best interests and mission, Robert Stephens called Ms. Tamer into a "feedback" meeting. Ms. Tamer immediately emailed Human Resources to express her concern that this meeting was in retaliation for her questioning Mr. Elorza's decision and would stymie the open expression of leadership to act to promote ERN-ERNA.
11. Ms. Tamer subsequently reached out to Human Resources a number of times to report additional discriminatory and hostile actions by senior leadership. In May, she was called into another retaliatory "corrective feedback" session.
12. After receiving her mid-year review in June, 2024, Ms. Tamer made a number of reports to Human Resources in August about disparaging comments from senior leadership and demonstrably false statements in her review. Those statements included that "team members noted capacity is an issue" and that Ms. Tamer's executive management skills were deficient. This review, drafted by Mr. Stephens, also implied that Ms. Tamer did not do enough to engage others and "build bridges," which is a false distortion of her actual performance and conduct. Though she was rated "Meets Expectations," the review relied on mischaracterizations of her performance and represented an artificially low rating. She had historically received "Exceeds Expectations" ratings, and was similarly meeting or exceeding her goals in 2024. In addition, for the second consecutive year, Ms. Tamer's outstanding work was nominated for a national award by the PIE (Policy Innovators in Education) Network. In October 2024, Ms. Tamer won this award for "Best Collaboration" based on national voting from peer organizations around the country.

13. On September 4, 2024, the Defendants terminated Ms. Tamer's employment in a Zoom meeting with Jorge Elorza, Robert Stephens, and Thaddecia Smith. The Defendants recorded this meeting but did not share the recording with Ms. Tamer. She was told the organization is going in a "different strategic direction." This decision, and its justification, do not comport with reality, given that Ms. Tamer was in the midst of leading an important statewide ballot initiative in Massachusetts, a key element of the local organization's mission. Ms. Tamer's email access was immediately cut off, and she was told to take the next 5 days off.
14. After unjustly terminating Ms. Tamer's employment, the Organization shamelessly tried to strong arm her into signing a "consulting agreement." It appended the consulting contract to a separation agreement (with a release) and informed Ms. Tamer she was required to sign it within five days – in violation of her statutory rights to consider the proposal for 21 days as required under the Age Discrimination in Employment Act (ADEA). The organization premised this consulting agreement on Ms. Tamer signing a release – this was the only manner Ms. Tamer would be permitted to continue work on the statewide ballot initiative.
15. Asking Ms. Tamer to continue her current work as a consultant is a clear sign that ERN-ERNA did not really wish to go "in a different direction" and is evidence of pretext for discrimination. The Organization has effectively conceded that it actually intends to continue in the same direction, as further demonstrated by the fact that it seeks to replace Ms. Tamer with an Executive Director who will perform substantially the same scope of work.

16. Ms. Tamer is one of several women in leadership positions who have been terminated or pushed out by the Defendants. That list includes Jen Walmer, Amy Dowell, Nicki Golos, Tykia Warden, and Tania de Sa Campos.
17. After terminating Ms. Tamer due to a claimed need to go in a “different direction,” the Defendants published a job posting that is nearly identical to Ms. Tamer’s job description. The only differences are a minor change in title and two tasks that are regional in nature. Ms. Tamer possesses all of the published qualifications.
18. Ms. Tamer complied with procedural prerequisites by filing an action at the Massachusetts Commission Against Discrimination prior to instituting this action.

COUNTS OF THE COMPLAINT

-COUNT ONE- DISCRIMINATION

19. The Plaintiff hereby restates and incorporates each paragraph of this Complaint as if fully stated herein.
20. Ms. Tamer is the member of two protected classes based on her gender and age. She performed her job duties acceptably, but suffered adverse actions by the Defendants.
21. The Defendants took adverse actions against Ms. Tamer due to her age and/or gender.
22. As a result of the Defendants’ actions, the Plaintiff has suffered damages.

-COUNT TWO- RETALIATION

23. The Plaintiff hereby restates and incorporates each paragraph of this Complaint as if fully stated herein.
24. Ms. Tamer engaged in protected activity under Chapter 151B, as described above.

25. The Defendants took adverse actions against Ms. Tamer, and there is a causal connection between her protected activity and the Defendants' adverse actions.

26. As a result of the Defendants' actions, the Plaintiff has suffered damages.

PRAYER FOR RELIEF

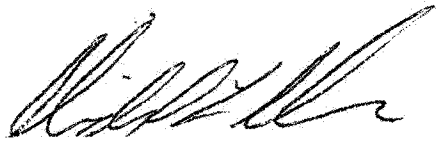
WHEREFORE, the Plaintiff, Mary Tamer, hereby prays that this Honorable Court issue judgment in her favor and grant the following relief:

1. Compensatory damages;
2. Multiple damages under Chapter 151B;
3. Attorney's fees;
4. Costs;
5. Prejudgment interest;
6. Postjudgment interest; and
7. Such further relief as the Court deems fair and just.

JURY DEMAND

The Plaintiff hereby demands a TRIAL BY JURY as to each claim and issue so triable.

Respectfully submitted,
Mary Tamer, Plaintiff
By her attorneys;



David E. Belfort (BBO# 634385)
dbelfort@bennettandbelfort.com
Michael L. Mason (BBO# 662244)
mmason@bennettandbelfort.com
Bennett & Belfort, P.C.
24 Thorndike St. #300

Dated: February 3, 2025

Cambridge, MA 02141
617-577-8800