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Ex-Berg & Androphy Paralegal Slams Bid To Toss Bias Suit

By **Alexis Shanes**

Law360 (April 23, 2021, 6:18 PM EDT) -- A Black former legal assistant at Berg & Androphy has urged a Manhattan federal court not to toss her suit against the firm and its managing partner, saying she was treated "like a servant" and fired for complaining about repeated incidents of race discrimination.

Akima Gurley on Thursday asked U.S. District Judge Edgardo Ramos to deny the firm's attempt to toss her November 2020 suit, saying she encountered bias more than a dozen times during her 15-month stint at the firm.

"The motion to dismiss simply contains statements based on intellectual dishonesty," Gurley said in Thursday's brief.

Gurley, who worked for the 12-lawyer firm from November 2016 to March 2018, said she was fired in early 2019 for complaining about discrimination.

Gurley said she decided to sue so Berg & Androphy and managing partner Jenny Kim "can face a trial to test their deeply privileged conviction that, contrary to the evidence and testimony of their sole Black employee, no member, attorney or staff of the firm can possibly be racist."

She also said the firm's response to **the complaint**, which brought claims under Title VII, Section 1981 of the Civil Rights Act of 1964 and state law, was "callously and offensively written."

Gurley defended her decision to name Kim in the suit, saying the managing partner made it clear she didn't want a Black worker in the office, which had eight other white and Asian American employees.

In one instance, Kim kept Gurley from greeting clients because Gurley had an Afro and looked "unpolished," according to the brief.

"For defendant Kim to avoid trial and dismiss the importance of active participation to remediate the wrongs she caused would be a grave injustice to the people of New York, many of whom care so deeply for justice for Black Americans during the Black Lives Matter movement and after the Chauvin trial verdict," Gurley said. Derek Chauvin, a former Minneapolis police officer, was **found guilty** Tuesday for the murder of George Floyd.

Gurley also claimed that Kim complained about the smell of her hand cream, which contained shea butter, a common ingredient in Black skin care products. Gurley was reprimanded for wearing sneakers, she said, while her counterpart made the same style choice without consequences.

Gurley also said she was required to text a supervisor photos of her outfits and hairstyles before she arrived at work. In several such selfies included in court filings, Gurley is wearing business casual outfits, such as blazers and sweaters.

Further, Gurley was the only employee forced to "wash dishes and perform manual labor like a servant," she said. Her supervisor, who is not a party to the case, also gave her lighter-skinned counterpart credit for her work, she claimed.

Gurley's firing came days after she checked in with attorneys about her performance, according to the brief.

"You're doing really well," one said in an email, according to court filings. "I definitely feel like I can count on you."

Tiffany Ma, an attorney for Gurley, told Law360 in an email Friday that she hopes the court denies the motion to dismiss.

"We believe the law and facts we put forward are very strong," Ma said. "The retaliatory nature of the defenses and the accused law firm being both defendant and defense counsel concerns us."

An attorney for the firm did not immediately respond Friday to a request for comment.

Gurley is represented by Tiffany Ma of Young & Ma LLP and William Brown of Brown Kwon & Lam LLP.

The firm is represented by in-house attorneys Michael Fay, Chris Sprengle and David Berg.

The case is Gurley v. David H. Berg & Associates et al., case number 1:20-cv-09998, in the U.S. District Court for the Southern District of New York.

--Additional reporting by Anne Cullen and Rachel Scharf. Editing by Haylee Pearl.

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