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November 26, 2008

Sage Software, Inc.

Legal Department
56 Technology Drive
Irvine, CA 92618-2301

Dear _____:

This law firm represents the interests of Traci Greenberg, a current employee of Sage Software, Inc. ("Sage" or the "Company"). Ms. Greenberg has suffered professionally, financially, and personally, because of the misconduct of Sage. Specifically, Sage has:

- (1) Failed to remedy ongoing sexual, religious, and ethnic harassment;
- (2) Refused a promotion in retaliation for reporting harassment and because of her marital status;
- (3) Paid Ms. Greenberg less than men who perform the same job.

Sage is a workplace rampant with sexual jokes and stunts and degrading sexual teasing. For example, in early 2008 at a meeting to prepare for an upcoming trade show, the men in the meeting pulled out pictures of what they termed "booth babes" and proceeded to compare breast size. They commented that the "babes" with the largest breasts should be the ones hired for the job. At a meeting on February 26, 2008 Ms. Greenberg told David DeRego, Matt Lange, David Moyers and others that she was extremely offended.

Also in early 2008, David DeRego placed a pair of red high-heeled women's shoes in the cubical of another coworker declaring that she needed to "get laid." Yet another co-worker ran down the halls wearing a female co-worker's running shorts. Mr. DeRego frequently discussed his sexual life and laughed and joined in when others did the same. [DO YOU HAVE ANY MORE EXAMPLES OF COMMENTS/EVENTS PRIOR TO JULY 22, 2008?]

Ms. Greenberg not only has had to tolerate sexual comments, but she has been subjected to constant personal attacks based on her marriage to a Jewish man. Upon announcing her intent to marry, David DeRego, among others, on numerous occasions asked when she was going to quit her job and said that now that she was married, she was less committed to Sage. He also asked her on numerous occasions when she was going to get pregnant. They commented that her husband, being Jewish, must be rich and, therefore, she would no longer need to work. She endured comments about whether adopting the name Greenberg meant that she was now Jewish. David DeRego commented about Ms. Greenberg's last name calling her husband "what's his name – Goldberg, Goldman, Greenberg – what's the difference." Ms. Greenberg at the time told Mr. DeRego that she felt his comments were anti-Semitic.

Ms. Greenberg is passionately committed to her job and to Sage. Yet, her complaints to Mr. DeRego were landing on deaf ears. Rather than quit, she decided to correct the situation. On July 22, 2008 Ms. Greenberg met with Molly Rex-McCullough to report the harassment. Ms. Rex-McCullough claims to have conducted an investigation and while she found that the conduct complained of was "inappropriate and offensive" it did not amount to sexual harassment. Nevertheless, she said, the harassment would stop.

It never stopped. At a meeting on August 27, 2008, co-workers suggested that Mr. DeRego pose with his shirt off along side Richard Simmons. On September 8, 2008 a director [Wayne] made a comment that he would like to kiss all of the women at an upcoming marketing meeting. At a meeting on September 18, 2008 during a discussion of branding changes a coworker said he would bend over with his pants down. On October 8, 2008 executives of Sage circulated an offensive German advertisement to only the women of the group asking if they found it offensive. On October 22, 2008 co-workers commented about Mr. DeRego grunting during exercise and about Sage's need to use pornography to achieve productivity goals. At this same meeting the topic of conversation deteriorated to a co-worker's hypothetical sexual escapades that might be caught on a webcam at 3 a.m.

This goes far beyond sophomoric. The cumulative effect of the constant degradation and objectification of women is severely offensive, even abusive. One stray remark by one worker crossing the line may be tolerable. But the constant sexual banter objectifying women by breast size, stereotyping them as "uptight" and needing sex to loosen up, suggesting that the victimization of women as sexual prostitutes sells software, and laughing and joking at the sexual triumphs of men is entirely intolerable and, frankly, repulsive.

Ms. Greenberg reported to Ms. Rex-McCullough's that the conduct has continued. Her response is that Ms. Greenberg should not expect improvement right away – it takes time to change a workplace culture. That response is entirely unacceptable. Sage's obligation is to make the conduct stop. It has the authority and the tools to do so. It could reprimand employees, provide group training, and engage in one-on-one counseling and coaching to change the locker room mentality. But it has done nothing. Instead, Sage allows Ms. Greenberg to be continually harassed and degraded causing her continued anxiety and physical ailments as a result.

Not only has the harassment continued, Ms. Greenberg has had to tolerate retribution and retaliation because she complained about harassment. Mr. DeRego's tone, style, and manner of

communication changed dramatically. He has build walls around himself making himself inaccessible to Ms. Greenberg and is non-responsive to her request for information making it difficult for Ms. Greenberg to perform her job. For example, after Ms. Greenberg reported the harassment Mr. DeRego began communicating with her through his secretary. Prior to her report to Ms. Rex-McCullough, Ms. Greenberg had received emails from Mr. DeRego's secretary approximately 4 times. Within the first month after the complaint, she received over 25. When she brought this to Mr. DeRego's attention he said that he thought Ms. Greenberg was more comfortable talking to his secretary. How can Ms. Greenberg be the stellar employee she has always been when she is refused access to her boss and is forced to communicate with his secretary?

In addition, since her report of harassment Mr. DeRego cancelled nearly every one-on-one meeting with Ms. Greenberg. Mr. DeRego and Ms. Greenberg had a standing appointment every other week. As soon as Ms. Greenberg filed her complaint, the meeting disappeared from her calendar. Despite several communications with Mr. DeRego's secretary, he could never find the time to meet with Ms. Greenberg.

On September 16, 2008 Ms. Greenberg was offered a **broadcast opportunity from Summit**. However, after a few days, the offer was pulled from Ms. Greenberg and given to a co-worker. In addition, Ms. Greenberg was not invited to a very important strategy meeting **arranged by Mr. DeRego** that took place on October 30, 2008. She was given no explanation for why she was not invited, but the information she missed caused a severe disruption in Ms. Greenberg's ability to perform her job.

Mr. DeRego has refused to provide any feedback for Ms. Greenberg's 2008 performance evaluation. Ms. Greenberg had been working toward a promotion all year and without Mr. DeRego's feedback she would not be recommended for the promotion. Ms. Rex-McCullough told Ms. Greenberg that Mr. DeRego felt "uncomfortable" providing feedback and had asked someone else, who had little contact with Ms. Greenberg, to evaluate her instead. Without access to Mr. DeRego and without his feedback and support, Ms. Greenberg cannot be successful. Yet he refuses to provide that feedback and has made it impossible for her to perform her job in retaliation for her report of the ongoing sexual harassment.

When Ms. Greenberg inquired about her promotion she was told that although she had been working on it all year with the support of her supervisor, suddenly there was no position available. The promotion is, in effect, stalled indefinitely. Prior to her report of harassment, the promotion was a sure bet. Now it may never happen.

As if this were not enough, Ms. Greenberg comes to discover that the men in her same position are paid more than the women. Based on this information she requested a raise. That request was denied. While Sage refused to share the numbers with her (even redacted numbers to ensure employee confidentiality), we are confident that during litigation those numbers will show clear pay disparities between men and women at Sage.

Sage has serious issues to resolve with its workforce culture. Ms. Greenberg has had the courage and the commitment to attempt to work with Sage to make those changes. But Sage has

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shown no willingness to change and has only retaliated against Ms. Greenberg for her courage. Ms. Greenberg has suffered tremendously during this process. She has suffered anxiety, stomach ailments, sleeplessness, and depression. Her non-economic damages alone are substantial, perhaps exceeding \$200,000. In addition, if Ms. Greenberg is forced to resolve these issues by litigation she will seek economic damages to recover the disparity in pay, the lost wages due to her failure to receive a promotion, plus other compensatory and punitive damages.

Traci Greenberg has no desire to publicly embarrass Sage. In fact, Ms. Greenberg has high regard for many people within the Sage organization, people with whom she has worked for a number years. Therefore, Ms. Greenberg is willing to attempt to resolve her claims in such a way that will avoid public injury to Sage. She is willing to enter into a Tolling Agreement and attempt to achieve a fair and reasonable non-judicial resolution of her claims, if that can be accomplished promptly. I have attached a form of tolling agreement for your consideration.

It is my personal philosophy and experience that it may be more feasible to drive resolution of a serious claim such as this before Sage is required to expend substantial attorney fees and before the inevitable disruption of its business which occurs because of the litigation process. If we receive no response, however, Ms. Greenberg will pursue all available remedies including claims for gender and ethnic discrimination and harassment, retaliation, disparate pay, and for intentional infliction of emotional distress.

Ms. Greenberg hereby requests a complete copy of her personnel file. This request includes but is not limited to the documents which she is entitled to review under ORS 652.750. We request that a full copy of all records compliant with ORS 652.750 be delivered to us within ten (10) days.

Sage is also hereby placed on notice that all documents and information concerning Ms. Greenberg must be maintained. This includes all electronic evidence and e-mails, including but not limited to those of Ms. Rex-McCullough and Mr. DeRego. Therefore, Sage is required to prevent the destruction of any potential evidence. This includes, but is not limited to, removing all hard drives containing any potentially discoverable material and maintaining them in a safe place along with documentation of the chain of custody.

I look forward to hearing from you.

Sincerely,

Amanda T. Gamblin

ATG/jpi

cc:

