

EXHIBIT A

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

MARY KATE GULICK,

Plaintiff,

vs.

CARSON GROUP HOLDINGS,
LLC,

Defendant.

CASE NO.: _____

**COMPLAINT and JURY
DEMAND**

COMES NOW Plaintiff, Mary Kate Gulick (“Mary Kate”), and
for her causes of action against Carson Group Holdings, LLC, and
states the following:

INTRODUCTION

1) This is a cause of action under the Nebraska Fair
Employment Practices Act, Title VII of the Civil Rights Act of 1964,
and the Americans with Disabilities Act, challenging the Defendant’s
unlawful discrimination and retaliation against, and termination of
the Plaintiff.

JURISDICTION AND VENUE

2) Plaintiff Mary Kate Gulick (“Mary Kate”) is a resident of Omaha, Douglas County, Nebraska, and is a woman.

3) Defendant Carson Group Holdings, LLC (“Carson Group”) is a foreign corporation, incorporated in the State of Delaware in 2016. Carson Group is licensed to do business in the State of Nebraska, has its principal place of business in Nebraska, and is in fact doing business in the State of Nebraska.

4) At all relevant times, Carson Group employed at least 15 employees for each working day in each of twenty or more calendar weeks within the appropriate time periods pursuant to the Nebraska Fair Employment Practices Act.

5) Carson Group employs 15 or more employees and is thus subject to the Americans with Disabilities Act.

6) This Court has original jurisdiction over Mary Kate’s state law claims pursuant to Nebraska Revised Statute, Section 24-302 (Rev. 1943).

7) This Court has concurrent jurisdiction over Mary Kate’s federal law claims.

8) Venue is proper in Douglas County in the State of Nebraska, as it is the county where a substantial portion of the events at issue occurred.

PROCEDURAL REQUIREMENTS

9) On or about July 10, 2023, within 300 days of the acts of which she complains, Mary Kate filed her Charge of Discrimination with the Nebraska Equal Opportunity Commission (“NEOC”), which was dually filed with the Equal Employment Opportunity Commission (“EEOC”).

10) On or about November 13, 2023, within 300 days of the acts of which she complains, Mary Kate filed an Amended Charge of Discrimination with the Nebraska Equal Opportunity Commission (“NEOC”), which was dually filed with the Equal Employment Opportunity Commission (“EEOC”).

FACTUAL BACKGROUND

11) Mary Kate Gulick (“Mary Kate”) is an award-winning and respected marketing and brand strategy expert, focusing on the financial advice and wealth management sector.

12) Carson Group is a holding company which, through its subsidiaries, provides financial and wealth planning and investment management services, as well as professional services for a network of 130+ financial advice firms.

13) Carson Group hired Mary Kate as its Chief Marketing Officer (“CMO”) on June 22, 2021.

14) In late June 2022, Mary Kate described to her direct supervisor, Jamie Hopkins (“Hopkins”), her dissatisfaction with the toxic leadership culture at Carson Group and informed Hopkins that she planned to resign. At that time, Hopkins informed Mary Kate that Carson Group’s minority investor no longer wanted her to be CMO, and he wanted her for a different role. She expressed her intent only to stay until Hopkins could find a new CMO.

15) In mid-July 2022, Hopkins presented Mary Kate with other ideas for a Senior Vice President role, and Mary Kate reiterated her intent to leave Carson once Hopkins could find a replacement CMO.

16) On August 8, 2022, when Mary Kate inquired about the CMO search, Hopkins informed her that no search had begun. He presented her with another leadership position. Mary Kate reminded

Hopkins that she would not be staying with Carson and gave her formal notice of resignation.

17) On September 8, 2022, Mary Kate won the Chief Marketing Officer (CMO) of the Year award from WealthManagement.com.

18) In late 2022, Mary Kate represented Carson Group at an industry conference. Mary Kate had a leadership role in organizing and conducting the conference that year.

19) An employee of Carson Group allegedly sexually assaulted an attendee at that conference.

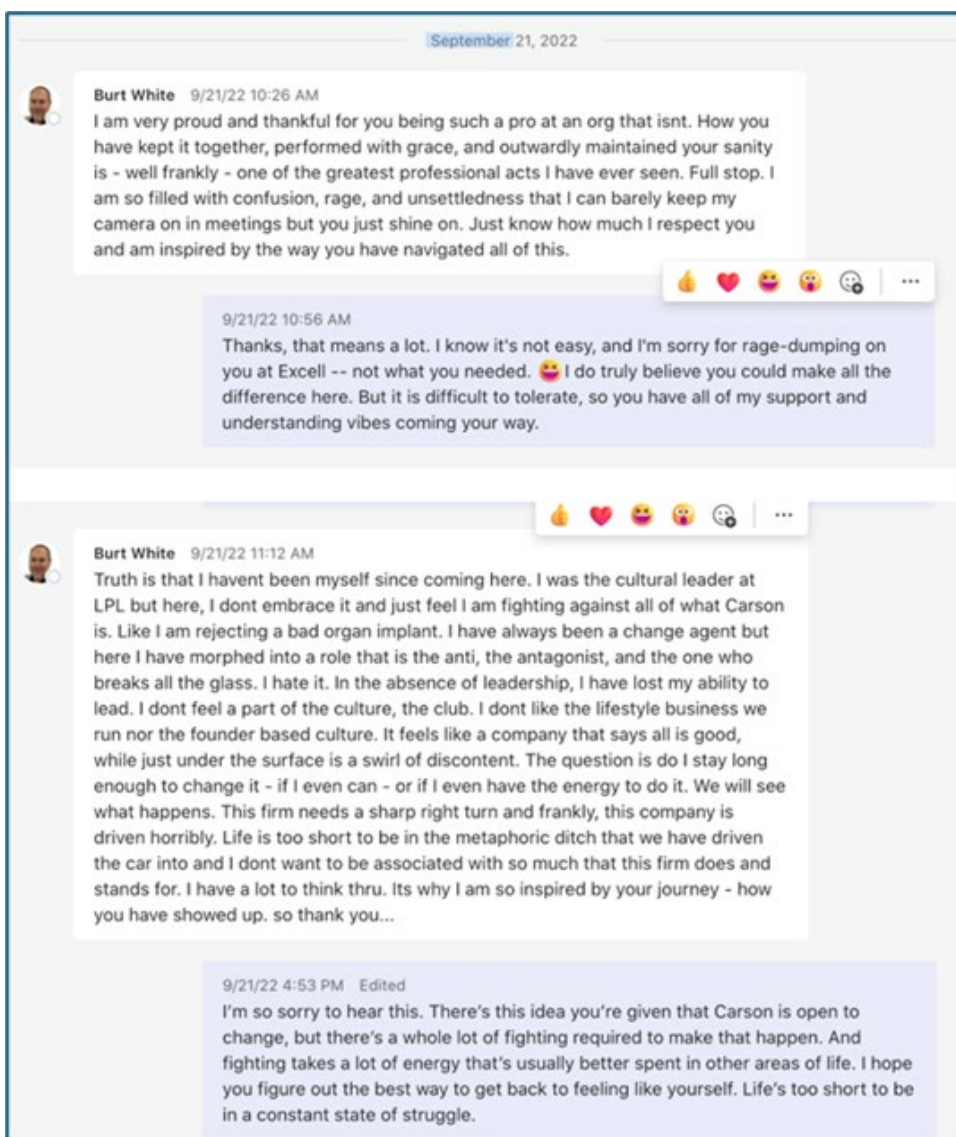
20) After learning of the alleged sexual assault, a Carson Group Executive called Mary Kate, as he felt he needed a female executive to provide him with emotional support as the Carson Group Executive responded to the victim.

21) Mary Kate called Kelsey Ruwe (“Ruwe”), Carson Group’s Chief of Staff and human resources leader, to inform her of the alleged sexual assault.

22) A week after the alleged sexual assault at the conference, Mary Kate was assured by Teri Shepherd (“Shepherd”), Carson

Group's President, that the sexual assault would be handled appropriately. It was not.

23) On September 21, 2022, Carson Group's Managing Partner and Chief Strategy Officer Burt White ("White") and Mary Kate exchanged messages via Microsoft Teams.



White agreed with Mary Kate that Carson Group was not a professional organization and said he was “**so filed with confusion, rage, and unsettledness**” that he could barely keep his camera on in meetings. He described himself as “**fighting against all of what Carson [Group] is.**” White described Carson Group having an “**absence of leadership,**” a “**swirl of discontent,**” and “**being driven horribly.**” He criticized the “**founder based culture,**” said Carson Group’s leadership had “**driven the car**” into a “**metaphorical ditch**” and insisted he did “**not want to be associated with so much [Carson Group] does and stands for.**”

24) In the exchange described in paragraph 22, White complimented Mary Kate’s professionalism and leadership in the immediate wake of the conference where the sexual assault had allegedly occurred.

25) On October 7, 2022, Mary Kate indicated to her therapist that she was not doing well following a “major work-related incident.” She was struggling to maintain self-care and especially struggling to sleep.

26) After Hopkins repeatedly asked Mary Kate to stay at Carson, she struggled with the decision of whether to do so. She did

not feel comfortable with the leadership of Carson Group or how Carson Group handled its employee's alleged sexual assault of its client at the conference now that it was clear that the alleged assailant would be staying with the company. She was deeply troubled by Carson Group's complete lack of concern about having an alleged sexual predator working there, where he was interacting and traveling with Carson Group's female employees.

27) On October 14, 2022, Mary Kate was ultimately convinced by Hopkins to stay on at Carson Group as Senior Vice President, Advisor Marketing and Sales Enablement, a lesser role with less responsibility, which required her to turn down an outside role that she had already accepted. Mary Kate crafted the bonus structure herself, which was lower than her previous role, because she felt a lower bonus structure was appropriate for the more focused nature of the role. Mary Kate felt any pay cut was worthwhile, as she was deeply concerned that the team she supervised, many of whom she had recruited herself, were being put at risk by Carson Group's failure to address the threat posed by its tolerance of sexual misconduct. She felt this was highlighted by Carson Group's failure to take any meaningful action to protect others from the alleged assailant. Mary Kate felt she

owed it to the women on her team to stay at Carson Group, push for change and accountability, and do her best to protect them.

28) Mary Kate found out the alleged assailant, who was still employed by Carson Group, was permitted to travel to another conference after the alleged assault. Mary Kate felt that by continuing to allow this individual to travel to conferences, Carson Group was negligently and irresponsibly creating an unnecessary risk to female employees and conference attendees. She was particularly worried about the female members of her team, who she recruited and felt personally responsible for, and who frequently traveled to those conferences.

29) On October 21, 2022, Mary Kate discussed her concerns about Carson Group's poor judgment with Shepherd. Mary Kate made clear her objections to the alleged assailant continuing to be employed by Carson Group, being allowed to travel to conferences, and the risks that both posed to female employees and conference attendees. The following week Mary Kate also discussed her concerns with the alleged assailant's supervisor.

30) On October 28, 2022, Miller and Ruwe reprimanded Mary Kate for discussing her concerns about the alleged assailant putting

female employees at risk and the danger it posed if he was allowed to travel to conferences. Miller and Ruwe informed Mary Kate that an investigation was being conducted, there were legal considerations involved, and she was not permitted to speak about what happened at the conference, how it had been handled, or express concerns or objections.

31) In early November, 2022, Mary Kate met with Ruwe. The subject of Carson Group's handling of the alleged sexual assault came up during their meeting. Ruwe told Mary Kate she disagreed with the decision Carson made not to fire the alleged assailant, but as the decision had been made by Ron Carson himself, she had to support it.

32) On January 11, 2023, Mary Kate told Ruwe she wasn't eating, was barely sleeping, and was experiencing physical health issues as a result of how the alleged sexual assault at the conference was being handled. Mary Kate told Ruwe she had stayed at Carson Group out of a sense of guilt for bringing good people into an unsafe environment. Mary Kate told Ruwe she was sure this was not the first time Ruwe had dealt with someone being traumatized by something that had happened at Carson Group. Ruwe responded by saying "You have no idea."

33) On January 13, 2023, Mary Kate told a Carson Group Executive she was having some neurological issues related to the work stress she had been dealing with from the past year.

34) Over time, Mary Kate's mental health began to deteriorate, as a reaction to the trauma of the alleged sexual assault at the conference and Carson Group's failure to respond appropriately to the alleged sexual assault.

35) On January 24, 2023, Mary Kate requested Kelsey Ruwe provide her with guidance on how to apply for intermittent FMLA.

36) On January 31, 2023, Mary Kate submitted completed FMLA leave forms to Carson Group's Director of HR Lauren Goranson, so that Mary Kate could attend appointments with her providers without those appointments impacting her employment status. In the completed forms Mary Kate submitted, she indicated the conditions for which she was seeking leave were major depressive disorder, post-traumatic stress disorder, and chronic brain impairment. She further indicated she would need to attend appointments with mental health professionals one to two times per week through January 2024. Carson Group informed Mary Kate she would need to take her intermittent leave time as unpaid or as paid time off (PTO), and if she wanted to be

able to make up time, she would not be allowed to have the protections of FMLA for her doctor's appointments.

37) On February 7, 2023, Carson Group approved Mary Kate's FMLA leave request.

38) On February 8, 2023, Mary Kate again described to White and Shepherd how traumatizing the way Carson Group had handled the alleged sexual assault at the conference had been for her and how affected she had been by it. Both agreed that Mary Kate's pre-conference performance and behavior were exemplary.

39) On February 10, 2023, a Carson Group Executive informed Mary Kate she would only receive 75% of her target bonus for the second half of 2022. When Mary Kate asked why she was being penalized, the Carson Group Executive told her she was communicating in a negative way. Mary Kate asked the Carson Group Executive for examples of any such negative communications, and he was unable to point to any specific examples in the rating period. Instead, he provided an example of a meeting in the rating period that occurred subsequent to the bonus period (a meeting in which Mary Kate used the term "Hiring Crisis"), and one from the period prior to the bonus period (regarding interactions with a consultant).

40) On February 13, 2023, Mary Kate had a meeting with White and Shepherd, immediately following their two-on-one meeting with a Carson Group Executive. In the meeting, White and Shepherd gave Mary Kate a generic offer of support. Mary Kate told White and Shepherd that the company had “broken [her] like a twig,” and that she was working with several healthcare professionals to try and put herself back together. Mary Kate shared with White and Shepherd that she was taking intermittent FMLA leave for this. White said that it made him sad to hear Mary Kate say she was broken. He counseled Mary Kate to prep for how she showed up and to identify her “triggers.”

41) Later that day, Mary Kate met again with a Carson Group Executive to discuss her review. He told her in this meeting, less than a week after she’d been approved for intermittent FMLA leave for PTSD and major depressive disorder, that she had been a disappointment to him over the past months and that she needed to be “less emotional” about work.

42) In early March 2023, Mary Kate gifted Carson Group President Teri Shepherd with an art print and provided a letter apologizing for raising her voice while discussing her concerns about

the conference and the way her team was being treated. A few days later, at a meeting between Mary Kate and Shepherd in Shepherd's office, Shepherd said she also owed Mary Kate an apology for not doing enough to protect her and other women in the organization.

43) In mid-March 2023, a Carson Group Executive stopped by Mary Kate's office for an unscheduled conversation. He told Mary Kate a story about a time in the past when he sought mental health treatment during a difficult time of his life. It was apparent he knew Mary Kate was struggling with her own mental health challenges and he was trying to establish a connection with her.

44) On May 2, 2023, Mary Kate was at a conference dinner. A sales team member noticed how dramatically Mary Kate's appearance had changed and told her she had a theory that something happened to Mary Kate at the conference and that was why she had become so thin and sick. Mary Kate provided no details about the incident, but stated there was an incident to which she had to respond.

45) On May 15, 2023, Mary Kate told White she was not in a good frame of mind, that she had learned multiple troubling facts about Carson Group at her last few conferences from both internal and external sources, and she felt she was operating outside her integrity

by continuing to work for the company. When White asked why Mary Kate would continue to work at a company that made her feel this way, Mary Kate explained she felt a responsibility to the multiple women she brought into the organization and that she could not afford to be without employment. Mary Kate was still meeting or exceeding all of her goals. She told White she felt she needed to remain at Carson Group so she could protect the female employees she had brought in because no one else would “have their backs” if something happened. White said the most important leadership skill Mary Kate could learn was “forgiveness” and told her if she didn’t “get over” what happened at the conference, “you’ll drive yourself and everyone else crazy.”

46) On or around May 17, 2023, Mary Kate met with Shepherd for a one-on-one meeting in Shepherd’s office. Mary Kate shared with Shepherd that she was hearing upsetting stories about Carson Group from within the company and outside of it, and leadership would need to rehab Carson Group’s culture for Carson to recover, rebuild its reputation, and achieve its business goals. Shepherd agreed.

47) On June 1, 2023, Mary Kate was informed she was a finalist for Innovator of the Year and the Women in Wealth Study she led was a finalist for Advisor Service of the Year.

48) From June 5 through 6, 2023, Mary Kate and a Carson Group Executive discussed how traumatic the conference had been for both of them. The Carson Group Executive told Mary Kate “God I hate [that conference]. I can’t enjoy any conference now.” He then added “Yeah emotionally I’m not recovered. I’ve changed. My joy is gone.” Mary Kate told the Carson Group Executive how traumatized she had been by the conference and its aftermath, noting she still “could not force down more than a few hundred calories a day” and was still having nightmares.

49) On June 6, 2023, Burt White (“White”), Carson Group’s Managing Partner and Chief Strategy Officer, informed Mary Kate she was being terminated. White told Mary Kate he felt she oscillated “between greatness and, I don’t know, unhappiness.” He explained that he came into the meeting “with no plan,” but that he wanted to exit her from the company. Mary Kate explained that Carson had sapped all of her happiness, confidence, and general wellness, and that she was neither eating nor sleeping. Mary Kate further indicated she was

seeing doctors and was experiencing periods of time where she felt better. After Mary Kate explained the betrayal she felt when Carson Group refused to do the right thing after the conference and how she felt the company held it against her, had broken her trust in multiple ways, and that she was psychologically broken, White told Mary Kate he would need to move up her termination date to the following day. White told Mary Kate about two other men in leadership who were professionally underperforming, and that White would be moving them to different leadership positions or reducing their responsibilities. White said that his solution for Mary Kate, however, was to exit her from Carson because of her continued unhappiness.

50) Mary Kate's last date of employment with Carson Group was June 7, 2023.

51) Carson Group executives subjected Mary Kate to repeated demeaning and insulting comments about her perceived inability or unwillingness to simply forget about the alleged sexual assault by Carson Group's employee, move on, and get over it.

52) Carson Group approved Mary Kate's application for intermittent FMLA, which it knew she required for a medical diagnosis of major depressive disorder and PTSD. Carson Group then

fired Mary Kate because she didn't seem happy or like she was "having fun."

53) Upon information and belief, one or more employees from Carson Group informed the editorial board of the industry's primary trade publications and multiple industry influencers, that Mary Kate was fired by Carson Group and was on bad terms with Carson Group.

COUNT I
VIOLATION OF THE
NEBRASKA FAIR EMPLOYMENT PRACTICE ACT
(SEX DISCRIMINATION)

54) Mary Kate incorporates Paragraphs 1 through 53 by this reference as if fully set forth.

55) Defendant discriminated against Mary Kate with respect to the terms and conditions of her employment in violation of the Nebraska Fair Employment Practice Act.

56) Mary Kate's sex was a motivating factor in the discrimination, harassment, and termination she experienced.

57) As a result of the Defendant's acts and omissions, Mary Kate has in the past and will in the future suffer damages including, but not limited to, mental and emotional distress; fear; anguish;

humiliation; embarrassment; lost enjoyment of life; lost wages, benefits, future earnings, and other emoluments of employment.

COUNT II
VIOLATION OF THE
NEBRASKA FAIR EMPLOYMENT PRACTICE ACT
(RETALIATION)

58) Mary Kate incorporates Paragraphs 1 through 57 by this reference as if fully set forth.

59) Mary Kate complained in good faith about Carson Group's treatment of the alleged victim of sexual assault at the conference, Carson Group's failure or refusal to put protective measures in place to prevent the alleged assailant from sexually assaulting others, and Carson Group's retaliation against her for the protected activity she engaged in by making such complaints.

60) Defendant retaliated against Mary Kate for complaining about and reporting its unlawful behavior by escalating its harassment of her and ultimately terminating her.

61) It is unlawful under the laws of the State of Nebraska for an employer to discriminate against an employee for opposing any practice made an unlawful employment practice by the Nebraska Fair Employment Practice Act.

62) Mary Kate's protected activity in opposing Defendant's unlawful behavior was one but-for cause of Defendant's retaliatory conduct against Mary Kate that resulted in the further harassment and discrimination that she experienced, culminating in her termination.

63) As a result of the Defendant's acts and omissions, Mary Kate has in the past and will in the future suffer damages including, but not limited to, mental and emotional distress; fear; anguish; humiliation; embarrassment; lost enjoyment of life; lost wages, benefits, future earnings, and other emoluments of employment.

COUNT III
**VIOLATION OF THE NEBRASKA FAIR EMPLOYMENT
PRACTICE ACT
(DISABILITY DISCRIMINATION)**

64) Mary Kate incorporates Paragraphs 1 through 63 by this reference as if fully set forth.

65) Mary Kate suffers from one or more impairments that substantially limit her in one or more major life activities, has a record of suffering from one or more impairments that substantially limit her in one or more major life activities, and/or was regarded by Defendant as having a disability.

66) Mary Kate was qualified to perform the essential functions of her job with Defendant with the reasonable accommodation of time off to attend medical appointments.

67) Defendant terminated Mary Kate because of her disability.

68) As a result of Defendant's acts and omissions, Mary Kate has in the past and will in the future suffer damages including, but not limited to, mental and emotional distress; fear; anguish, humiliation, embarrassment; lost enjoyment of life; lost wages, benefits, future earnings, and other emoluments of employment.

COUNT IV
VIOLATION OF TITLE VII OF THE
CIVIL RIGHTS ACT OF 1964
(SEX DISCRIMINATION)

69) Mary Kate incorporates Paragraphs 1 through 68 by this reference as if fully set forth.

70) Defendant discriminated against Mary Kate with respect to the terms and conditions of her employment in violation of the Nebraska Fair Employment Practice Act.

71) Mary Kate's sex was a motivating factor in the discrimination, harassment, and termination she experienced.

72) As a result of the Defendant's acts and omissions, Mary Kate has in the past and will in the future suffer damages including, but not limited to, mental and emotional distress; fear; anguish; humiliation; embarrassment; lost enjoyment of life; lost wages, benefits, future earnings, and other emoluments of employment.

COUNT V
VIOLATION OF TITLE VII OF THE
CIVIL RIGHTS ACT OF 1964
(RETALIATION)

73) Mary Kate incorporates Paragraphs 1 through 72 by this reference as if fully set forth.

74) Mary Kate complained in good faith about Carson Group's treatment of the alleged victim of sexual assault at the conference, Carson Group's failure or refusal to put protective measures in place to prevent the alleged assailant from sexually assaulting others, and Carson Group's retaliation against her for the protected activity she engaged in by making such complaints.

75) Defendant retaliated against Mary Kate for complaining about and reporting its unlawful behavior by escalating its harassment of her and ultimately terminating her.

76) It is unlawful for an employer to discriminate against an employee for opposing any practice made an unlawful employment practice by Title VII of the Civil Rights Act of 1964.

77) Mary Kate's protected activity in opposing Defendant's unlawful behavior was one but-for cause of Defendant's retaliatory conduct against Mary Kate that resulted in the further harassment and discrimination that she experienced, culminating in her termination.

78) As a result of the Defendant's acts and omissions, Mary Kate has in the past and will in the future suffer damages including, but not limited to, mental and emotional distress; fear; anguish; humiliation; embarrassment; lost enjoyment of life; lost wages, benefits, future earnings, and other emoluments of employment.

COUNT VI
VIOLATION OF THE AMERICANS WITH DISABILITIES ACT
AMENDMENTS ACT
(DISABILITY DISCRIMINATION)

79) Mary Kate incorporates Paragraphs 1 through 78 by this reference as if fully set forth.

80) Mary Kate suffers from one or more impairments that substantially limit her in one or more major life activities, has a record

of suffering from one or more impairments that substantially limit her in one or more major life activities, and/or was regarded by Defendant as having a disability.

81) Mary Kate was qualified to perform the essential functions of her job with Defendant with the reasonable accommodation of time off to attend medical appointments.

82) Defendant terminated Mary Kate because of her disability.

83) As a result of Defendant's acts and omissions, Mary Kate has in the past and will in the future suffer damages including, but not limited to, mental and emotional distress; fear; anguish, humiliation, embarrassment; lost enjoyment of life; lost wages, benefits, future earnings, and other emoluments of employment.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff Mary Kate Gulick demands judgment against Defendant in an amount which will fully and fairly compensate her for her injuries and damages, liquidated and punitive damages to the extent permitted by law, for interest as allowed by law, for attorneys' fees, for the costs of this action, for appropriate equitable and injunctive relief, and for all other such relief as may be just under

the circumstances and consistent with the purposes of the Nebraska Fair Employment Practices Act, Title VII of the Civil Rights Act of 1964, and the Americans with Disabilities Act.

JURY DEMAND

Plaintiff requests a trial by jury.

Date: March 20, 2024.

MARY KATE GULICK, Plaintiff

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