

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

KENNETH GOLDMAN,  
46681 Ashmere Square  
Sterling, VA 20165,

Plaintiff,

v.

TWENTY-FIRST CENTURY DEMOCRATS,  
Serve: Bill Combs  
1311 L St. N.W., Suite 300  
Washington, D.C. 20005

KELLY YOUNG,  
1851 Monroe St NW  
Washington, DC 20010,

Defendants.

Civil Action No. \_\_\_\_\_  
Jury Demand

**COMPLAINT FOR DECLARATORY, INJUNCTIVE,  
AND MONETARY RELIEF AND JURY DEMAND**

**PRELIMINARY STATEMENT**

1. Plaintiff, Kenneth Goldman, brings this action under the District of Columbia Human Rights Act, D.C. Code Ann. § 2-1401 et seq., against his former employer, Twenty-First Century Democrats (“Defendant TFCD”), for declaratory and injunctive relief and monetary damages for injuries he has sustained as a result of discrimination on the basis of religion and retaliation for his opposition to religious discrimination. Plaintiff also files this action against Kelly Young (“Defendant Young”), Defendant TFCD’s former Executive Director, who was instrumental in Defendant TFCD’s discriminatory and retaliatory treatment of Mr. Goldman. Defendant Young created a work environment dominated by her belief in the practices of Landmark Education

(“Landmark”) and pressured her employees to participate in Landmark activities. Landmark beliefs were the religious beliefs of Defendant Young and the Defendant TFCD. Defendants discriminated against Mr. Goldman, and others, by firing them because of their refusal to embrace Landmark religious beliefs.

#### JURISDICTION AND VENUE

2. This court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332(a)(1) because the amount in controversy exceeds \$75,000, exclusive of interest and costs, and suit is brought between citizens of different states. Venue is proper in this jurisdiction under 28 U.S.C. § 1391(b).

#### PARTIES

3. Plaintiff Kenneth Goldman is a citizen of Virginia who resides at 46681 Ashmere Square, Sterling, VA 20165. Plaintiff is Jewish. Defendant TFCD employed Plaintiff as its Communications Director from April 2006 to December 2006.

4. Defendant TFCD is a domestic political action committee (a “PAC”) organized and operating under the laws of the District of Columbia. Its headquarters is at 1731 Connecticut Avenue NW, 2nd Floor, Washington, DC 20009.

5. Defendant Kelly Young is a citizen of the District of Columbia who worked in the District of Columbia for the time period at issue in this case. At all times relevant to this Complaint, Defendant Young was Executive Director of Twenty-First Century Democrats, although she has since resigned from that position.

## FACTUAL ALLEGATIONS

6. Defendant TFCD was founded in 1985. Until 2004, Defendant TFCD specialized in training field organizers in the District of Columbia and elsewhere during election years. In 2004, Defendant TFCD became one of the largest and best-funded independent PACs in the country.

7. Landmark is the progeny of Erhard Seminars Training, Inc. (“est”). Werner Erhard, who founded est in 1971, had a background in New Age practices and religions. In est seminars, trainers told participants that they were responsible for creating their own lives. Mr. Erhard reportedly told his trainees “in est training you are God” and other est trainers told trainees “man is the true God.” Accounts of est seminars describe seemingly religious experiences. For example, a former participant has described portions of the est seminar as “filled with moans, sobs, whimpers, and cries . . . an earsplitting scream. . . . writhing and flailing in the air.”

8. After public criticism, est went through a series of name changes. In 1984, est training became known as “The Forum.”

9. In 1991, The Forum changed its name to “The Landmark Forum.” The company operating the seminars reorganized briefly as the Landmark Education Corporation before changing its name again, in February 2003, to Landmark Education, LLC. In this form, Landmark continues to offer seminars known as the Landmark Forum, and a “Curriculum for Living,” which includes Landmark Forum in Action, the Landmark Advances Course, and the Self Expression in Leadership Program.

10. Landmark and est have religious characteristics and theological implications. As the seminar names suggest, Landmark and est tell participants how to live and address questions

such as man's place in the universe, as well as problems related to grief, intimacy and addiction.

11. Beginning in 2004 or 2005, a year or two before Mr. Goldman was hired, Defendant TFCD began to dedicate most of its financial resources to direct contributions to candidates. Under Defendant Young's leadership, Defendant TFCD adopted selection criteria for candidates which stated that Defendant TFCD sought to fund candidates who were "visionary, bold, extraordinary," and "interested in making quantum leaps." On information and belief, these terms are all from the jargon of Landmark.

12. On March 7, 2006, Defendant Young launched a new organization called Inspiring America. She hired one employee whom she put to work in the office suite of Defendant TFCD. Inspiring America provides seminars that are similar to est and Landmark seminars. On information and belief, the Inspiring America seminars have been led by a trainer or trainers who are or were active in est and Landmark.

13. Inspiring America has hosted at least four seminars. On information and belief, many attendees receive scholarships. The scholarships are granted to ensure the teachings of Landmark reach as many people as possible. The paid attendance for these seminars did not cover the costs. Consequently, in a short time Inspiring America built up significant debt.

14. Defendant Young used Defendant TFCD's resources, which are derived from contributions, to support Inspiring America. Defendant Young also regularly directed an employee of Defendant TFCD to dedicate large amounts of his time to Inspiring America.

15. When Mr. Goldman applied for the Communications Director position with Defendant TFCD in early 2006, he knew nothing about Defendant Young's personal dedication to Landmark or Landmark's predominance in Defendant TFCD's workplace.

16. Over a period of several weeks, starting in February 2006, Defendant TFCD interviewed Mr. Goldman and recruited him to become its Communications Director.

17. During interviews, Mr. Goldman emphasized that job stability was of paramount concern because he and his wife had just had a baby. At least three times, Defendant Young assured Mr. Goldman that her organization was financially very stable and would not lay off staff for financial reasons. Mr. Goldman left a secure job to work for Defendant TFCD only after being given assurance that his position was secure and that Defendant TFCD would not dismiss him for financial reasons.

18. Mr. Goldman was well-qualified for the position of Communications Director. Since earning his Bachelor of Arts in Government and Politics from George Mason University in 1994, he has directed media and communications at several premiere D.C.-area public interest organizations. His first professional employer promoted him four times over five years, ultimately making him their Director of Media Relations at the age of 27.

19. Around the time Defendant TFCD hired Mr. Goldman, it also hired a Training Director and a Finance Director. All started work April 1, 2006.

20. Within his first or second week, Mr. Goldman learned of Defendant Young's active involvement in Landmark and that Landmark was a key component in the management of the organization. Landmark beliefs shaped the Defendant TFCD's mission, business structure, programmatic work and communications. Mr. Goldman also learned that Defendant Young had based Inspiring America on Landmark beliefs.

21. As Executive Director, Defendant Young edited communications that Mr. Goldman drafted. On information and belief, in her editing, Defendant Young infused Defendant TFCD's

communications with Landmark code words, buzz words, and jargon. Defendant TFCD's endorsement page offered a prime example of the use of Landmark language, identifying each of many endorsed political candidates as a "visionary and inspiring leader."

22. Defendant Young interjected Landmark beliefs and techniques into regular staff meetings, requiring her staff to engage in exercises to "create possibilities," "create a new context" and "enroll in possibilities."

23. Defendant Young approached staff members and urged them to participate in Landmark events outside of work. She drove staff to and from Landmark events and used Defendant TFCD's funds to pay for staff to attend Landmark events.

24. When Defendant TFCD hired Mr. Goldman, four of the eight current staff members had already attended one or more Landmark seminars.

25. In April and May 2006, Mr. Goldman researched Landmark on the internet, talked to colleagues about Landmark, and spoke with a former attendee of an est seminar. He learned that Landmark derived from est. He learned that commentators regard est as religious and as having theological implications. Mark Lotwis, Executive Vice President of Defendant TFCD, described his Landmark experience to Mr. Goldman, which had been at Defendant Young's home. Mr. Lotwis described the experience as religious, noting, for example, that individuals had shared very personal facts, including discussing substance abuse. Ms. Young had discussed her own issues with marital intimacy, and that over the three days of Mr. Lotwis' introductory course, several people stood up and cried.

26. Starting in or around May 2006 and continuing until Mr. Goldman's termination from TFCD in December 2006, Mr. Lotwis told him many times, "You know how she [Defendant

Young] is. You know how important this is to her. If you do Landmark, you know you stand a better chance.” Mr. Lotwis also told Mr. Goldman, “she trusts us more if we’re involved [in Landmark].”

27. In the Spring of 2006, Mr. Goldman told Mr. Lotwis that if Defendant Young urged him to attend a Landmark event, he would refuse. Mr. Goldman asked Mr. Lotwis to tell Defendant Young not to approach him about Landmark.

28. Defendant TFCD hired a new National Field Director on a temporary basis in or around May or June 2006. Shortly thereafter, Ms. Young told the Field Director that she wanted him to stay on full-time.

29. Defendant TFCD’s Training Director, who had started the same day Mr. Goldman had, and the new Field Director also told Mr. Lotwis they did not wish to speak to Defendant Young about Landmark.

30. In the office they shared, Mr. Goldman, the Training Director, and the Field Director regularly discussed their discomfort with Landmark’s influence at Defendant TFCD, stating that Landmark was Defendant Young’s religion, and that they were uncomfortable with her religion’s place in the office. In or around July 2006, Mr. Goldman and his two office-mates repeated to Mr. Lotwis during a closed door meeting that none of them wanted to be pressured to attend Landmark.

31. In July or August 2006, Defendant Young called Mr. Goldman into her office to “share” with her one-on-one. Mr. Goldman’s father had died in January. Since that time, Mr. Goldman’s daughter had started day care and he had been sick four or five times. Over approximately one hour in her office, Defendant Young argued that Mr. Goldman had contracted illnesses as a

consequence of failing to deal with the passing of his father, and not by exposure to germs.

Defendant Young used Landmark terminology throughout the conversation. Mr. Goldman did not welcome this discussion.

32. In July or August 2006, Mr. Lotwis attended an Inspiring America seminar in Telluride, Colorado. Before he went, he made it clear to Mr. Goldman that he was going because Defendant Young required him to attend. Shortly after he returned, he told Mr. Goldman that he was signing up for a September or October 2006 Landmark Forum, an intensive weekend long introduction to Landmark.

33. In or around July or August 2006, Mr. Goldman and Mr. Lotwis discussed co-mingling of the funds of Defendant TFCD and Inspiring America. Mr. Lotwis informed Mr. Goldman that Defendant TFCD would be in trouble if anyone found out about the co-mingled resources. Mr. Goldman told Mr. Lotwis that as second-in-command he had to stop Defendant Young from using Defendant TFCD's money to fund Inspiring America.

34. Through Landmark, Defendant Young befriended a young woman who called herself "Anima." During the Summer of 2006, Anima began volunteering her time to Inspiring America at Defendant TFCD's office. She reported directly to Defendant Young. (By this time, Inspiring America's first and only employee had left and it had no official employees). Anima approached one of Defendant TFCD's interns and pressured her to attend a Landmark event. The intern reported Anima's behavior to Mr. Goldman because he had the responsibility of supervising the interns. She told him that Anima's suggestion made her uncomfortable.

35. Mr. Goldman complained to Mr. Lotwis that it was inappropriate for Anima or anyone else to pressure a college-age intern to participate in Landmark, and that Defendant Young



should tell Anima so.

36. Three to four days later, the intern complained to Mr. Goldman again that Anima continued to pressure her to attend Landmark. Mr. Goldman again reported the incident to Mr. Lotwis, who, on information and belief, talked to Defendant Young about the problem.

37. In late Summer or Fall 2006, Mr. Lotwis told Mr. Goldman that he had told Defendant Young that Mr. Goldman did not wish to attend Landmark events, and that she was not pleased.

38. In October or November 2006, Defendant Young began authorizing payment of Anima with Defendant TFCD's funds. Anima only worked on Inspiring America projects and did no work for TFCD.

39. In or around November 2006, Mr. Lotwis told Mr. Goldman that he had signed up for an advanced Landmark seminar. Mr. Lotwis again made it clear that he was going because Defendant Young required him to attend. During this discussion, Mr. Lotwis told Mr. Goldman, as he had before, "You know how she [Defendant Young] is. You know how important this is to her. If you do Landmark, you know you stand a better chance," and "She trusts us more if we're involved [in Landmark]."

40. During the 2006 election cycle, Defendant TFCD raised several million dollars and retained a significant amount after election expenditures. Defendant TFCD's Accounting Manager told Mr. Goldman that the financial situation was "just fine" and that the organization had plenty of money.

41. On or about November 30, 2006, Defendant Young and Mr. Lotwis told Mr. Goldman, the Training Director, and the Field Director -- the only three employees resistant to Landmark -- that they would be let go effective December 22, 2006 for "financial reasons."

42. Defendant Young told Mr. Goldman that the termination decision was purely financial and based in no way, shape, or form on his performance. Defendant Young told Mr. Goldman that he had done a “fantastic” job. Defendant Young further told him that the organization was totally and completely out of funds, and that very shortly, it would likely shut its doors for good.

43. Of Defendant TFCD’s eight total staff members, excluding the Inspiring America staff, Defendant TFCD continued to employ the five employees who had attended Landmark activities (Defendant Young, Mr. Lotwis, the Accounting Manager, the Associate, and the Financial Director) and terminated the three employees, including Mr. Goldman, who had refused to attend Landmark events.

44. Shortly after terminating Mr. Goldman, the Training Director, and the Field Director, Defendant TFCD hired six new employees: a National Political Director, a Vice President for Development and Strategic Partners, a Director of Development, a fellow, an Executive Assistant, and an Online Communications Associate -- who took over many of the duties Mr. Goldman had performed.

45. Mr. Goldman has suffered financially and professionally as a result of the organization’s actions.

46. Defendants’ termination of Mr. Goldman has had a career-scarring effect. For more than a decade, Mr. Goldman led public relations and communications programs for progressive advocacy organizations, enjoying steadily increasing responsibility and recognition. However, for the first time in his career, after Defendant TFCD unlawfully terminated his employment after only eight months with the organization, Mr. Goldman was not able to obtain a communications position in a progressive advocacy organization. He had no choice but to take a supporting

position in a non-advocacy organization.

47. In addition, Defendants' termination of Mr. Goldman caused him emotional and physical suffering, particularly out of concern for supporting his family, including his daughter, now a one year old, and induced a stress related illness that required four days of hospitalization.

COUNT ONE  
DISCRIMINATION IN VIOLATION OF  
THE D.C. HUMAN RIGHTS ACT, D.C. CODE § 2-1402.11(a)  
AGAINST BOTH DEFENDANTS

48. Plaintiff incorporates, as though restated here, each of the factual allegations stated in paragraphs 1 through 47 above.

49. The District of Columbia Human Rights Act prohibits discrimination in employment on the basis of religion with regard to the terms, privileges and conditions of employment.

50. Despite Defendant Young's confirmation that Plaintiff Goldman's job performance was "fantastic," Defendants terminated Mr. Goldman.

51. Landmark Education, as embraced by Defendant TFCD and Defendant Young, constitutes a "religion."

52. There is substantial evidence that Defendants terminated Mr. Goldman because he refused to practice Defendant Young's religious beliefs. Mr. Goldman refused to attend Inspiring America or Landmark Education seminars. He intervened on behalf of an intern who did not want to attend such events. He opposed co-mingling of funds between Defendant TFCD and Inspiring America. Moreover, Defendants terminated not only Mr. Goldman, but also the Training Director and the Field Director, who had also refused to attend Landmark seminars. However, Defendants retained all employees who had attended Landmark seminars.

53. Defendants' actions that are described in this Complaint constitute discrimination in violation of the District of Columbia Human Rights Act, D.C. Code § 2-1402.11(a).

54. Defendants' actions deprived Plaintiff of his right to enjoy equal opportunity to participate in all aspects of life, including employment. D.C. Code § 2-1402.01.

55. Defendants' discriminatory actions were willful, reckless, and malicious.

56. Defendants' conduct in firing Mr. Goldman because of his failure to embrace Landmark's religious teachings is outrageous, particularly in light of Defendants' professed support for candidates and causes that support civil rights, civil liberties, and religious freedom.

57. Defendants' violation of the D.C. Human Rights Act directly and proximately caused Mr. Goldman loss of income and other economic benefits, job search costs, the loss of future employment opportunities, impairment of his future earning capacity, and damage to his professional reputation. Defendants' violation of the D.C. Human Rights Act also caused Mr. Goldman emotional distress, particularly out of concern for supporting his family.

COUNT TWO  
RETALIATION AGAINST PLAINTIFF FOR EXERCISING AND ENJOYING  
RIGHTS PROTECTED UNDER THE D.C. HUMAN RIGHTS ACT  
IN VIOLATION OF D.C. CODE § 2-1402.61  
AGAINST BOTH DEFENDANTS

58. Plaintiff incorporates, as though restated here, each of the factual allegations stated in paragraphs 1 through 57 above.

59. Under the D.C. Code, it is "an unlawful discriminatory practice to coerce, threaten, retaliate against, or interfere with any person in the exercise or enjoyment of, or on account of having exercised or enjoyed, or on account of having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected under" the District of Columbia Human

Rights Act. D.C. Code § 2-1402.61.

60. Defendants retaliated against Plaintiff because he resisted a proscribed religious practice and intervened on behalf of an intern who did not want to attend proscribed religious events.

61. Defendants' actions constitute retaliation in violation of the District of Columbia Human Rights Act, D.C. Code § 2-1402.61.

62. Defendants' retaliatory actions were willful, reckless, and malicious.

63. Defendants' retaliatory actions damaged Plaintiff's professional reputation and caused him embarrassment, humiliation and indignity.

64. Defendants' violation of the D.C. Human Rights Act directly and proximately caused Plaintiff loss of income and other economic benefits, job search costs, the loss of future employment opportunities, impairment of his future earning capacity, and damage to his professional reputation. Defendants' violation of the D.C. Human Rights Act also caused Plaintiff emotional distress, particularly out of concern for supporting his family.

COUNT THREE  
AIDING AND ABETTING IN DISCRIMINATION  
IN VIOLATION OF D.C. CODE § 2-1402.62  
AGAINST DEFENDANT YOUNG

65. Plaintiff incorporates, as though restated here, each of the allegations in paragraphs 1 through 64 above.

66. Defendant Young, by virtue of the specific acts described above, aided and abetted Defendant TFCD in discriminating against Mr. Goldman based on his refusal to practice Defendant Young's religious beliefs, by terminating Mr. Goldman.

67. Defendant Young intended to aid and abet in the scheme to discriminate against Plaintiff.

68. The conduct of Defendants was a direct and proximate cause of the injuries and damages to Plaintiff set forth below, in an amount to be proven at trial.

69. Defendant TFCD and Defendant Young are jointly and severally liable for all damages proximately caused by actions taken in furtherance of their unlawful acts.

COUNT FOUR  
AIDING AND ABETTING IN RETALIATION  
IN VIOLATION OF D.C. CODE § 2-1402.62  
AGAINST DEFENDANT YOUNG

70. Plaintiff incorporates, as though restated here, each of the allegations in paragraphs 1 through 69 above.

71. Defendant Young, by virtue of the specific acts described above, aided and abetted Defendant TFCD in retaliating against Mr. Goldman based on his refusal to practice Defendant Young's religious beliefs, by terminating Mr. Goldman.

72. Defendant Young intended to aid and abet in the scheme to retaliate against Plaintiff.

73. The conduct of Defendants was a direct and proximate cause of the injuries and damages to Plaintiff set forth below, in an amount to be proven at trial.

74. Defendant TFCD and Defendant Young are jointly and severally liable for all damages proximately caused by actions taken in furtherance of their unlawful acts.

NOW WHEREFORE Plaintiff prays this court for the following relief:

1. A declaratory judgment that Defendants' termination of Mr. Goldman's employment was in violation of the D.C. Human Rights Act;

2. An injunction proscribing future religious discrimination by Defendants;

3. An award of backpay to Plaintiff from Defendants;

5. An award of frontpay to Plaintiff from Defendants;
6. An award of compensatory damages to Plaintiff from Defendants in an amount to be determined by a jury but in no event less than \$100,000;
7. An award of punitive damages to Plaintiff from Defendants in an amount to be determined by a jury;
8. An award to Plaintiff of reasonable attorneys' fees and costs, including expert witness fees; and
9. All other relief this Court deems just.

Respectfully submitted,



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Attorney for Kenneth Goldman

DATED: November 19, 2007

