

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CHRISE FLETCHER,

Plaintiff,

-against-

ABM BUILDING VALUE d/b/a ABM, and jointly  
and individually KATHERINE COLLADO,

Defendants.

Civil Action No.: 14-cv-4712 (NRB)

**AFFIDAVIT OF CLAY ADAMS**

I, **CLAY ADAMS**, hereby declare under penalty of perjury:

1. I am currently employed by ABM Industries Incorporated (“ABM”) as a Director, Compliance and Policy Development. I have held this position since April 1, 2016. From approximately November 2012 to March 2016, my title was Director, Employee Relations.

2. In my capacity as a Director for ABM, I provide support to ABM-affiliated companies, such as ABM Janitorial Services-Northeast, Inc. (the “Company”).

3. I am also a member of the Termination Review Committee (“TRC”). I was a member of the TRC in 2012.

4. In 2012, the standing TRC generally consisted of the Senior Vice President of Human Resources, the Deputy General Counsel, Employment Law, and myself.

5. Pursuant to ABM practice, a manager who has made the decision to discharge a staff or management employee must inform his or her Regional Vice President of Human Resources, who in turn will submit the matter to the TRC for evaluation prior to conducting any termination. The Regional Vice President of Human Resources and often the decision-making manager will present the matter to the TRC. The matter is then reviewed, in an attorney

privileged manner, by the TRC Committee. The TRC provides attorney-client privileged advice concerning any risks associated with the termination.

6. The TRC does not make termination decisions. The Company's operations team is responsible for making the ultimate decision to terminate any employee after reviewing the facts and circumstances, including any potential risks involved with the termination raised by the TRC.

7. On December 10, 2012, Brad Neilley, former Regional Vice President of Human Resources and Labor Relations for the Company, emailed the TRC, who at the time consisted of myself, Amado Hernandez, Senior Vice President of Human Resources, and Miranda Tolar, Vice President & Deputy General Counsel, Employment Law, to review his request to terminate Ms. Fletcher. As Ms. Fletcher's supervisor, Mr. Neilley was both the "operator" making the ultimate decision and the local Human Resources contact presenting the matter to the TRC. The TRC completed its review, and, thereafter, Mr. Neilley terminated Ms. Fletcher's employment.

8. Other than reviewing, in an attorney client privileged manner, Mr. Neilley's request to terminate Ms. Fletcher, the TRC played no role in her termination, and did not make the ultimate decision to terminate her employment.

Pursuant to 28 U.S.C. § 1746, I verify under penalty of perjury, under the laws of the United States of America, that the foregoing is true and correct.

Dated: July 11, 2016  
San Francisco, California

  
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Clay Adams