

# Exhibit A



**Service of Process  
Transmittal**

02/20/2020

CT Log Number 537227107

**TO:** Paul Reardon  
iRobot Corporation  
8 Crosby Dr  
Bedford, MA 01730-1402

**RE: Process Served in Massachusetts**

**FOR:** iRobot Corporation (Domestic State: DE)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** JANUSZ PANKOWSKI, PLTF. vs. IROBOT CORPORATION, DFT.

**DOCUMENT(S) SERVED:** Summons, Order, Cover Sheet, Complaint

**COURT/AGENCY:** Middlesex Superior Court, Middlesex County, MA  
Case # 2081CV00341

**NATURE OF ACTION:** Employee Litigation - Wrongful Termination - 05/31/2018

**ON WHOM PROCESS WAS SERVED:** C T Corporation System, Boston, MA

**DATE AND HOUR OF SERVICE:** By Process Server on 02/20/2020 at 09:42

**JURISDICTION SERVED :** Massachusetts

**APPEARANCE OR ANSWER DUE:** Within 20 days

**ATTORNEY(S) / SENDER(S):** MANCINI SCOTT LAW  
Maria Mancini Scott  
2 Granite Ave, #400  
Milton, MA 02186  
508-821-4373

**ACTION ITEMS:** CT has retained the current log, Retain Date: 02/20/2020, Expected Purge Date:  
05/20/2020

Image SOP

Email Notification, Paul Reardon preardon@irobot.com

Email Notification, ERIKA PROWER eprower@irobot.com

**SIGNED:** C T Corporation System

**ADDRESS:** 208 LaSalle Ave  
Suite 814  
Chicago, IL 60604

**For Questions:** 866-539-8692  
CorporationTeam@wolterskluwer.com

Commonwealth of Massachusetts

MIDDLESEX, SS.

TRIAL COURT OF THE COMMONWEALTH  
SUPERIOR COURT DEPARTMENT  
CIVIL DOCKET NO. 2081 CV 00341

Janusz Pankowski

PLAINTIFF(S),

v. iRobot Corporation

DEFENDANT(S)



SUMMONS

THIS SUMMONS IS DIRECTED TO iRobot Corporation (Defendant's name)

**You are being sued.** The Plaintiff(s) named above has started a lawsuit against you. A copy of the Plaintiff's Complaint filed against you is attached to this summons and the original complaint has been filed in the Middlesex Superior Court. **YOU MUST ACT PROMPTLY TO PROTECT YOUR RIGHTS.**

1. **You must respond to this lawsuit in writing within 20 days.** If you do not respond, the court may decide the case against you and award the Plaintiff everything asked for in the complaint. You will also lose the opportunity to tell your side of the story. You must respond to this lawsuit in writing even if you expect to resolve this matter with the Plaintiff. **If you need more time to respond, you may request an extension of time in writing from the Court.**

2. **How to Respond.** To respond to this lawsuit, you must file a written response with the court and mail a copy to the Plaintiff's Attorney (or the Plaintiff, if unrepresented). You can do this by:

a. Filing your signed original response with the Clerk's Office for Civil Business, Middlesex Superior Court, 200 Trade Center, Woburn MA 01801 (address), by mail or in person, **AND**

b. Delivering or mailing a copy of your response to the Plaintiff's Attorney/Plaintiff at the following address: Marie Mancini Scott, Mancini Scott LLC, 2 Granite Ave #400, Milton MA 02186

3. **What to include in your response.** An "Answer" is one type of response to a Complaint. Your Answer must state whether you agree or disagree with the fact(s) alleged in each paragraph of the Complaint. Some defenses, called affirmative defenses, must be stated in your Answer or you may lose your right to use them in court. If you have any claims against the Plaintiff (referred to as counterclaims) that are based on the same facts or transaction described in the Complaint, then you must include those claims in your Answer. Otherwise, you may lose your right to sue the Plaintiff about anything related to this lawsuit. If you want to have your case heard by a jury, you must specifically request a jury trial in your Answer or in a written demand for a jury trial that you must send to the other side and file with the court no more than 10 days after sending your Answer. You can also respond to a Complaint by filing a "Motion to Dismiss," if you believe that the complaint is legally invalid or legally insufficient. A Motion to Dismiss must be based on one of the legal deficiencies or reasons listed under Mass. R. Civ. P. 12. If you are filing a Motion to Dismiss, you must also comply with the filing procedures for "Civil Motions" described in the rules of the Court in which the complaint was filed, available at [www.mass.gov/courts/case-legal-res/rules-of-court](http://www.mass.gov/courts/case-legal-res/rules-of-court).


*Joseph P Casey*

A true copy Attached  
Deputy Sheriff Suffolk County

2-20-20

- 4. **Legal Assistance.** You may wish to get legal help from a lawyer. If you cannot get legal help, some basic information for people who represent themselves is available at [www.mass.gov/courts/selfhelp](http://www.mass.gov/courts/selfhelp).
- 5. **Required information on all filings:** The "civil docket number" appearing at the top of this notice is the case number assigned to this case and must appear on the front of your Answer or Motion to Dismiss. You should refer to yourself as the "Defendant."

Witness Hon. Judith Fabricant, Chief Justice on \_\_\_\_\_, 20\_\_.

  
 \_\_\_\_\_  
 Michael A. Sullivan  
 Clerk-Magistrate

Note: The number assigned to the Complaint by the Clerk-Magistrate at the beginning of the lawsuit should be indicated on the summons before it is served on the Defendant.

**PROOF OF SERVICE OF PROCESS**

I hereby certify that on \_\_\_\_\_, 20\_\_, I served a copy of this summons, together with a copy of the complaint in this action, on the defendant named in this summons, in the following manner (See Mass. R. Civ. P. 4(d)(1-5)):


\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Dated: \_\_\_\_\_, 20\_\_                      Signature: \_\_\_\_\_

N.B. TO PROCESS SERVER:

PLEASE ENTER THE DATE THAT YOU MADE SERVICE ON THE DEFENDANT IN THIS BOX - BOTH ON THE ORIGINAL SUMMONS AND ON THE COPY OF THE SUMMONS SERVED ON THE DEFENDANT.

, 20__
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<b>CIVIL TRACKING ORDER</b> <b>(STANDING ORDER 1-88)</b>	<b>DOCKET NUMBER</b> <b>2081CV00341</b>	<b>Trial Court of Massachusetts</b> <b>The Superior Court</b> 
<b>CASE NAME:</b> <b>Pankowski, Janusz vs. IRobot Corporation</b>		<b>Michael A. Sullivan, Clerk of Court</b> <b>Middlesex County</b>
<b>TO: Maria Mancini Scott, Esq.</b> <b>Mancini Scott Law</b> <b>2 Granite Ave Suite 400</b> <b>Milton, MA 02186</b>		<b>COURT NAME &amp; ADDRESS</b> <b>Middlesex County Superior Court - Woburn</b> <b>200 Trade Center</b> <b>Woburn, MA 01801</b>

**TRACKING ORDER - F - Fast Track**

You are hereby notified that this case is on the track referenced above as per Superior Court Standing Order 1-88. The order requires that the various stages of litigation described below must be completed not later than the deadlines indicated.

**STAGES OF LITIGATION**

**DEADLINE**

	SERVED BY	FILED BY	HEARD BY
Service of process made and return filed with the Court		05/05/2020	
Response to the complaint filed (also see MRCP 12)		06/04/2020	
All motions under MRCP 12, 19, and 20	06/04/2020	07/06/2020	08/03/2020
All motions under MRCP 15	06/04/2020	07/06/2020	08/03/2020
All discovery requests and depositions served and non-expert depositions completed	12/01/2020		
All motions under MRCP 56	12/31/2020	02/01/2021	
Final pre-trial conference held and/or firm trial date set			05/31/2021
Case shall be resolved and judgment shall issue by			02/04/2022

The final pre-trial deadline is not the scheduled date of the conference. You will be notified of that date at a later time.

Counsel for plaintiff must serve this tracking order on defendant before the deadline for filing return of service.

This case is assigned to

<b>DATE ISSUED</b> <b>02/05/2020</b>	<b>ASSISTANT CLERK</b> <b>Debra J Newman</b>	<b>PHONE</b> <b>(781)939-2748</b>
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<b>CIVIL ACTION COVER SHEET</b>	TRIAL COURT OF MASSACHUSETTS SUPERIOR COURT DEPARTMENT COUNTY: <u>MIDDLESEX</u>	DOCKET NO. _____
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<b>PLAINTIFF(S)</b> Janusz Pankowski <i>11 Daylily Dr                  Nashua NH 03062</i>	<b>DEFENDANT(S)</b> <i>iRobot Corporation,                  8 Crosby Drive                  Bedford MA 01730</i>
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ATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE  Maria Mancini Scott, Mancini Scott Law 2 Granite Ave #400 <i>508-821-4373</i>	ATTORNEY (IF KNOWN)
BBO# 630722	

Origin code and track designation

Place an x in one box only:

<input checked="" type="checkbox"/> 1. F01 Original Complaint	<input type="checkbox"/> 4. F04 District Court Appeal c.231, s. 97 & 104 (After trial) (X)
<input type="checkbox"/> 2. F02 Removal to Sup.Ct. C.231,s.104 (Before trial) (F)	<input type="checkbox"/> 5. F05 Reactivated after rescript; relief from judgment/ Order (Mass.R.Civ.P. 60) (X)
<input type="checkbox"/> 3. F03 Retransfer to Sup.Ct. C.231,s.102C (X)	<input type="checkbox"/> 6. E10 Summary Process Appeal (X)

TYPE OF ACTION AND TRACK DESIGNATION (See reverse side)			
CODE NO.	TYPE OF ACTION (specify)	TRACK	IS THIS A JURY CASE?
B22	Employment Discrimination - Fast Track		Yes/No    Yes

The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.

TORT CLAIMS  
(Attach additional sheets as necessary)

A. Documented medical expenses to date:	
1. Total hospital expenses	\$ _____
2. Total Doctor expenses	\$ _____
3. Total chiropractic expenses	\$ _____
4. Total physical therapy expenses	\$ _____
5. Total other expenses (describe)	\$ _____
Subtotal	\$ <u>500,000</u>
B. Documented lost wages and compensation to date	\$ _____
C. Documented property damages to date	\$ _____
D. Reasonably anticipated future medical and hospital expenses	\$ _____
E. Reasonably anticipated lost wages	\$ <u>250,000</u>
F. Other documented items of damages (describe) <i>emotional distress</i>	\$ _____
Subtotal	\$ <u>750,000</u>
G. Brief description of plaintiff's injury, including nature and extent of injury (describe) <i>Plaintiff was terminated from Defendant in violation of discrimination laws, FMLA and public policy</i>	
<b>Total \$</b> <u>750,000</u>	

CONTRACT CLAIMS  
(Attach additional sheets as necessary)

Provide a detailed description of claim(s):

**TOTAL \$** .....

PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT

"I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods."

Signature of Attorney of Record *Mark A* Date: January 31, 2020

A.O.S.C. 3-2007

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SUPERIOR COURT DEPARTMENT

CIVIL ACTION NO.: \_\_\_\_\_

\_\_\_\_\_  
JANUSZ PANKOWSKI, )

Plaintiff )

v. )

IROBOT CORPORATION, )

Defendant )

\_\_\_\_\_ )

COMPLAINT AND JURY DEMAND

1. Plaintiff, Janusz Pankowski (Pankowski), is an adult male who resides in Nashua, New Hampshire. Pankowski is sixty-three years old.
2. Defendant, iRobot Corporation (iRobot), is a foreign corporation with a principal office located in Bedford, Middlesex County, Massachusetts. iRobot is a leading global consumer robot company.
3. Pankowski worked at iRobot from April 1, 2016 until he was terminated on May 31, 2018.
4. At all times, Pankowski's job title at iRobot was Director of Compliance. Generally, his job duties were to assure that iRobot's products were compliant with safety and other state, federal and international regulations. To undertake these responsibilities, Pankowski coached iRobot's engineering team to use best practices to design safe products and obtain third party certifications, created or modified internal processes to assure non-compliant products were not placed into the market; and researched new U.S. and international regulations to assure continued compliance.
5. Pankowski worked in the Engineering Department and reported directly to Selma Svendsen (Svendsen), Senior Director of Engineering. Four employees reported

to Pankowski. Joe Pomata (Pomata), Stephen Pallotta (Pallotta), and Chris Chuang (Chuang) are male. Stephanie Snow (Snow) is female.

6. Throughout his employment, Pankowski received positive and solid written performance evaluations from Svendsen.
7. On or about January 17, 2018, Pankowski was informed of fourteen instances where iRobot had improperly labelled products that had entered the consumer market. Such labelling resulted in non-compliance with regulations. The non-compliant labelling dated back three years, prior to Pankowski's employment.
8. Responsibility for product labelling rested with iRobot's Operations Department, which was headed by Molly Tibbets (Tibbets), Director of Operations; Veena Doddanagouda (Doddanagouda), Senior Manager for Operations; and Briae Carney (Carney), Configuration Program Manager.
9. Before Pankowski joined iRobot, iRobot was found to have violated California Energy Commission regulations related to its battery chargers. Despite this violation, iRobot continued to sell non-compliant battery chargers which exposed the Company to a multimillion dollar penalty for its second offence. To find the root cause of the non-compliance, Pankowski commenced an investigation of the SKU Request Workflow Process (Process). The Process had been created by Svendsen prior to Pankowski's employment and, at the time, was managed by Carney. The Process was intended to provide the Compliance Team and other departments with a means to approve new products created by the Operations Department. Given the new found errors, however, Pankowski was concerned that the Process was not working and needed considerable improvement to reduce mistakes and ensure that iRobot better complied with laws.
10. Pankowski requested a meeting with Tibbets to discuss the Process but she responded that she was not responsible for the Process.
11. A few months later, in April 2018, after receiving three requests from Pankowski to convene a meeting to discuss the Process, a meeting was convened with Pankowski, Tibbets, Svendsen, Doddanagouda, Carney, and several IT employees. At the meeting, Pankowski presented his concerns. While the group validated Pankowski's concerns, all but Pankowski sought to defer taking remedial action to address such concerns.
12. On January 29, 2018, Pallotta informed Pankowski that Carney had refused to cooperate and/or work with him on a project involving correcting compliance errors relative to labels that had been placed on an outgoing product. Pallotta reported that Carney's communications on the issue had become aggressive, dismissive and uncooperative to the point that Pallotta felt that he could not work with her on the issue any longer. Previous to Pallotta's complaint, Huang had also complained to Pankowski that Carney was belligerent, coercive and



disruptive towards him when they were attempting to work on compliance matters together.

13. Given these complaints, Pankowski reached out to Doddanagouda and asked her to intervene. On January 30, 2018, Doddanagouda convened a meeting to discuss the compliance team's concerns about Carney. There, Carney acted inappropriately to Pankowski. In an accusatory and aggressive manner, she accused Pallotta and Pankowski of "not doing their jobs," and "being at fault" for the labelling non-compliance. Doddanagouda took no action to address Carney's behavior at the meeting and no progress was made towards mending the working relationship between Carney and Pankowski's Compliance Team (Team).
14. On February 1, 2018, Pankowski met with Justin Birtz, the Human Resources representative assigned to the Engineering team. Pankowski informed Birtz of the problems that Carney's harassing and demeaning attitude was causing to his Team and hindering the Team's ability to work productively and without concerns of Carney's inappropriate personal attacks. To Pankowski's knowledge, Birtz did not investigate Pankowski's complaints about Carney. His inaction was contrary to iRobot's written policy relative to addressing complaints of harassment.
15. On February 2, 2018, Pankowski discovered that iRobot had not been paying sales taxes on its internet sales in the European Union. Correcting these violations could have cost iRobot up to two million Euros per year. Pankowski reported these violations to David Farmer, Director of E-Commerce, who was ultimately responsible for this inaction, as well Svendsen and other members of the finance and European sales teams. While Farmer and Svendsen acknowledged iRobot's non-compliance with tax laws, they ignored Pankowski's assertions that they must take corrective action.
16. On February 12, 2018, Pankowski discovered that iRobot's legal team had not completed the required registration for internet connected encryption devices in Russia in 2016. As a result, iRobot could have been prohibited from selling iRobot products in Russia, which would amount to a corporate loss of approximately two million Euros in revenue. Despite his assertion to correct this error, nothing was done.
17. In February and March 2018, Pankowski identified two additional areas of non-compliance. iRobot was out of compliance with a German packaging regulation that adopted EU Packaging Directive 94/62/EC, which may have led to tens of thousands of Euros in liability. In addition, iRobot was selling batteries in India from a supplier that was not authorized by the Indian government, which could have resulted in the Indian government revoking iRobot's ability to sell products there.

18. Subsequent to the January 30, 2018 meeting outlined above, Carney's workplace behavior worsened. On March 15, 2018, Carney conducted a SKU Approval meeting for final release of a new Roomba model product to the EU market. Pankowski attended this meeting representing his Department, as required by his role, to make sure that the product was compliant with EU Safety Directives. In this meeting, which some employees attended by ZOOM teleconference, Pankowski asked Carney to display a certain document on the meeting screen to allow attendees to view it. She responded in an aggressive and harsh tone and said, "Why don't you get it yourself?" Fortunately, another meeting participant intervened promptly and displayed the document for all to view. Thereafter, Pankowski politely pointed out serious compliance errors to Carney relative to a user manual set to accompany an outgoing product. He asked her to correct the non-compliance by updating the materials to include the most recent and compliant user manual. She refused and aggressively insisted that Pankowski would have to write a memo to the Vice President of Operations and stop the entire production if he wanted to press his concern about the error. Carney's dismissive attitude towards Pankowski's compliance concerns was not only disrespectful to his professional role at iRobot, but it was also reflective of her inappropriate human interactions with her co-workers.
19. At a subsequent meeting on March 15, 2018, Pankowski reiterated the statement he made during the earlier meeting that his team could not approve the product because it did not meet safety requirements and doing so would place consumers of the product at a safety risk and expose iRobot to liability. In response, Carney called Pankowski "a liar" in front of everyone. Her accusations were unfounded and disrespectful.
20. On March 17, 2018, Pankowski requested assistance from Svendsen relative to Carney's aggressive and inappropriate attitude towards his Team. He explained the two meetings that took place on March 15, 2018, and asked Svendsen to set up a meeting with Tibbets, who was Carney's Director, to address these issues that were affecting his team. He also emailed Svendsen some links on trainings about non-violent communications with the expectation that Svendsen (or someone from iRobot) would provide Carney some training for ethical behavior in leading meetings and for importance of product regulatory compliance. To the best of Pankowski's knowledge, Svendsen, Tibbets nor anyone else took corrective action or responded to Pankowski's concerns about Carney.
21. On March 28, 2018, Pankowski discovered that iRobot was not in compliance with Federal Communications Commission (FCC) regulation 47 CFR Sec. 15 for millions of products sold in the United States. Specifically, Pankowski learned that iRobot was not making its products with FCC required disclaimers. If these violations were uncovered by the FCC, iRobot could have faced a punitive fine

- and a field action for products sold in the U.S. Pankowski informed Svendsen of this serious non-compliance, and she instructed him not to work on the issue.
22. On April 4, 2018, Pankowski met with Ryan Demers (Demers), a Human Resources representative who had replaced Birtz. The purpose of this meeting was to finalize the details of promotions for Huang and Pallotta. During the meeting, Pankowski also recapped the meeting had had with Birtz relative to Carney's behavior, told Demers there had been no improvement with Carney's relations with his Team, and shared with him that he was waiting for the process improvement meeting that was discussed with Tibbets, Svendsen, Doddanagouda, Carney, and several IT employees at the meeting that was convened at his request in the January meeting.
23. On April 17, 2018, Pankowski was called to meet with VP of Human Resources (HR), Charu Manocha (Manocha). Pankowski's expectation was that he was being called in to discuss his complaints about Carney's behavior so that HR would address his concerns. Instead, Manocha informed Pankowski that he was being investigated for multiple complaints made about him by mostly female employees. Manocha, however, refused to provide Pankowski any details relative to the complaints.
24. On April 19, 2018, Pankowski was working in Arizona and received a call from Svendsen who said she was "checking in on him." Pankowski explained to Svendsen that he was deeply troubled by the employee complaints because he had not engaged in any inappropriate behavior and that he had not slept much at all since learning of them. Pankowski also mentioned that these additional unexpected events were adding to his stress related to a painful medical condition and associated medical tests. Svendsen then told him that HR was demanding a letter of apology from him to Carney and she encouraged him to write such a letter. Svendsen explained that she needed Pankowski to write and send the letter in an effort to improve cooperation between departments. She said that HR was asking for the letter to enable HR to close out what she saw as a trivial matter. She also told Pankowski that once HR received the letter he would be in a position to concentrate on his health issue because the HR issue would be closed out.
25. Pankowski took Svendsen's advice and drafted a letter to Carney to the effect that if their interactions had caused her any discomfort it was unintentional. Pankowski also wanted iRobot to hear his version of events as they related to Carney. Thus, he prepared two additional documents. One document was a list of bullet points explaining his own view of his interactions with Carney. The second document was an explanation of an April 13, 2018 meeting that Svendsen had identified during her call with him.

26. Pankowski sent all three documents to Svendsen via email with the understanding that he wanted to provide all three documents to HR rather than just the apology letter.
27. After receiving his email, Svendsen called Pankowski and encouraged him to send only the apology letter, claiming that doing so would cause HR to "close the file" and put an end to the complaints.
28. Against his better judgment, Pankowski followed Svendsen's advice and sent only the apology letter to Manocha. Thereafter, Svendsen sent him an email stating that he "took the right step."
29. On April 24, 2018, Pankowski stopped in at iRobot's HR offices and inquired about the status of the investigation of the complaints. HR refused to provide him any details of the allegations but told him that the investigation was continuing and HR could not present him any details yet.
30. On April 25, 2018, Pankowski's anxiety stemming from the investigation that he was assured had been closed had heightened. At this point, in addition to stress caused by the unknown allegations, Pankowski was being scheduled for a serious surgery for a male only illness. He took a sick day and sought medical treatment. He notified Manocha that he was suffering from a medical condition that would make him unavailable to further discuss the investigation for approximately two weeks. He also informed Svendsen that he would be out of work due to his medical condition.
31. On April 30 2018, Pankowski went into work for a short time to try to reassign some of his work duties to his Team. Svendsen, who was visibly tired as she had just returned from a business trip to China, approached Pankowski and insisted on meeting with him. When Pankowski told her that he was not physically able to do so, reminding her of the email he had sent to HR, she ignored him and proceeded to pose aggressive questions to him that were related to the investigation. For example, she asked him, "what are the differences between men and women?" At this meeting, he received no details relative to the complaints brought against him. Given Pankowski's working relationship with Svendsen, her advice about the apology letter, and her written evaluations of his work performance, Pankowski was stunned. He then reminded Svendsen of the managerial actions he had taken to provide assistance to his employees in balancing their work and family responsibilities: Pallotta in his efforts to care for his blind father and Snow in caring for her young children. In the middle of this meeting, Pankowski suffered a depressive episode, lost the ability to speak, and left the office and the building.
32. On May 1, 2018, Pankowski met with his primary care physician who took him out of work. Pankowski provided a medical note to Svendsen and Manocha keeping him out of work until May 14, 2018. Following iRobot's receipt of a

certification from his physician, iRobot placed Pankowski on FMLA approved leave.

33. On May 11, 2018 Pankowski attended a follow up medical appointment with his primary care doctor. At this appointment he was given clearance to attempt to return to work on May 15, 2018 on a limited basis, starting with 2 hours per day a few days a week conditioned on his overall health and his upcoming appointment with his urologist.
34. On May 14, 2018, Pankowski met with his urologist who informed him that he would need to undergo surgery.
35. On May 15, 2018, Pankowski went to the office to deliver the medical notes from his previous appointments to HR representative Kathy Blanchard (Blanchard). These documents further supported his continuous leave under the FMLA.
36. While he was at the office, with the purpose to deliver medical records to Blanchard, he was called into a meeting with Svendsen. Pankowski met with Svendsen during which time she yelled at him. She told him that he would be punished and that "he would be publically humiliated at work." In response, Pankowski asked her what he did and she said there were some complaints against him made by women in the office but she was not allowed to share any details. Pankowski then asked Svendsen if she had ever seen him do anything inappropriate at the office and she said, "No." Pankowski became mentally depressed and incapable of further discussion so he left the building. He cancelled two meetings he had planned to have while he was at the office that day, one with Manocha and one with Tim Saeger, VP of Engineering.
37. Later on May 15, 2018, Pankowski received an email from Blanchard informing him that his 12 weeks of FMLA leave started on May 7, 2018.
38. On May 16, 2018, Pankowski continued his sick leave as instructed by his doctor. His interactions with Svendsen and HR has caused him to experience an increase in stress, insomnia, impairments to his vision, and the inability to drive.
39. On May 17, 2018, Pankowski suffered an anxiety and panic attack and was transported to the emergency room (ER) from his primary care physician's office. His doctor ordered him to remain out of work until July 15, 2018. On that date, his doctor signed an updated FMLA certification indicating that Pankowski was required to be out of work until July 15, 2018. His discharge papers from the ER directed him to obtain further medical treatment from a psychiatrist.
40. On May 17, 2018, Pankowski informed Svendsen that he had been to the ER, that his doctor had kept him out of work until July 15, 2018, and that he would send a doctor's note certifying his further absence.

41. On May 21, 2018, iRobot received the updated FMLA certificate keeping Pankowski out of work until July 15, 2018.
42. On May 22, 2018, Manocha emailed Pankowski and requested to meet with him about the investigation regarding the complaints that were filed against him. Pankowski replied to this email and informed her that he would check with his doctor to get her recommendations about when he could meet with her. Manocha did not reply. Pankowski also requested a copy of iRobot's investigative report, any other complaints against him, and his personnel file.
43. On or about May 25, 2018, Pankowski sent an email to Manocha and attached a brief statement of the history of issues between Carney and him. He also requested an opportunity to discuss his statement with Manocha and stated that because he was unable to drive at that time, he would be available to meet by teleconference anytime the week of May 28, 2018. Pankowski requested that only HR personnel participate in the meeting due to the fact that Svendsen consistently blocked his communications with iRobot and had verbally assaulted him in the office. Manocha did not set a meeting date or respond to this email.
44. Manocha sent Pankowski a letter dated May 31, 2018 terminating his employment based on the investigation into the complaint against him.

**COUNT I – WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY**

45. Pankowski realleges the above paragraphs as if they are set forth fully herein.
46. Starting in January 2018, Pankowski became aware that iRobot had engaged in business practices and/or conduct that was illegal. iRobot (a) was putting products in the marketplace that were in contravention of state, federal and international laws; (b) had failed to properly register its business with foreign governments; (c) failed to pay required taxes; d) refused to provide required safety and labelling information with the products it sold; and (e) had engaged in repeated offences after being found to be in violation of compliance laws.
47. Pankowski attempted to take action to ensure that iRobot's illegal actions did not continue and to rectify the illegal actions that which iRobot had already undertaken.
48. Pankowski's actions to correct iRobot's past illegal actions and to prevent its further illegal actions were not supported by iRobot. Pankowski received pushback relative to his attempts to curtail further illegal actions and was told not to take corrective action to address past illegal actions.

49. Pankowski's employment was terminated because he refused to prohibit further illegal action or to rectify illegal action that had already taken place. His termination was in violation of public policy.
50. As a result of Pankowski's termination, he has suffered financial losses, physical injury, and emotional distress.

WHEREFORE, Pankowski requests that this court issue judgment against iRobot and order all damages required by law to him, including attorneys' fees, litigation costs, lost wages and benefits, emotional distress, and all other damages this court finds just.

**COUNT II – FMLA INTERFERENCE AND RETALIATION - 29 U.S.C §2601 et seq.**

51. Pankowski realleges the above paragraphs as if they are set forth fully herein.
52. Pankowski was terminated while he was on job protected FMLA leave and because he was on job protected FMLA leave.
53. Pankowski was required to partake in work-related activities when he was on FMLA leave.
54. As a result of his termination and iRobot's interference with Pankowski's FMLA job protected leave, Pankowski has suffered financial damages, physical injury, and emotional distress.
55. iRobot's actions violate the FMLA, 29 U.S.C §2601 et seq.

WHEREFORE, Pankowski requests that this court issue judgment against iRobot and order all damages required by law to him, including liquidated double damages, attorneys' fees, litigation costs, lost wages and benefits, emotional distress, and all other damages this court finds just.

**COUNT III – DISCRIMINATION BASED ON GENDER – G.L. c151B**

56. Pankowski realleges the above paragraphs as if they are set forth fully herein.
57. Pankowski is male.
58. Prior to filing the within action, Pankowski filed a claim at the Massachusetts Commission Against Discrimination (MCAD) against iRobot in which he alleged gender discrimination. The MCAD dismissed the claim pending at the MCAD to allow Pankowski to file the within action in this court. Pankowski has exhausted the required administrative remedies prior to filing this action.

59. Pankowski brought a complaint about a female employee's inappropriate and aggressive behavior to that employee's supervisor and to HR. iRobot did not investigate his complaints or take action to address his concerns.
60. A few months later, the same female employee brought a complaint about Pankowski to HR and iRobot launched an investigation. iRobot interviewed several employees about the complaint against him, however, iRobot did not question him about the female employee's allegations or even apprise him what facts surrounded the complaints against him. At the end of the investigation into the female's complaints, Pankowski was terminated. iRobot ignored Pankowski's complaints about a female but when, at the later date, the same female employee brought complaints about him, iRobot launched an investigation that resulted in his termination. Had iRobot investigated Pankowski's complaints to HR about Carney he would not have been terminated. He was treated disparately due to his gender, which violates G.L. c. 151B.
61. As a result of iRobot's discriminatory actions, Pankowski has suffered emotional distress, physical injury, and financial losses.

WHEREFORE, Pankowski requests that this court issue judgment against iRobot and order all damages required by law to him, including punitive damages, attorneys' fees, litigation costs, lost wages and benefits, emotional distress, and all other damages this court finds just.

**PLAINTIFF REQUESTS A JURY TRIAL ON ALL COUNTS**

Respectfully submitted,

Plaintiff, Janusz Pankowski  
By his attorneys,

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