

**EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
LOS ANGELES DISTRICT OFFICE**

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SUNI REID, :  
 : EEOC Charge No.:  
 Complainant, :  
 v. :  
 : **SUPPLEMENT TO CHARGE**  
 HAMILTON THE MUSICAL, ADVENTURELAND LLC, and : **OF DISCRIMINATION AND**  
 ELIZA TOUR, LLC, : **RETALIATION**  
 :  
 Respondents. :  
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Complainant Suni Reid **REDACTED** (“Reid” or “Complainant”) (pronouns: they/them or she/her), as and for their Charge of Discrimination and Retaliation (the “Charge”) against Respondents Hamilton the Musical, Adventureland LLC, and Eliza Tour LLC (together, the “Company,” “Hamilton” or “Respondents”), hereby alleges as follows:

**PRELIMINARY STATEMENT**

1. Mx. Reid started dreaming of being a performer on Broadway in middle school, and how Mx. Reid made it to the cast of Hamilton fresh out of college is the sort of American story of hard work and perseverance reflected in that world-conquering musical:

“How does a Black-skinned, trans kid, child of divorce  
From a public school, dropped in the middle of the Philly burbs  
If not by providence, unpolished, under trauma  
Grow up to sing in Broadway’s biggest drama?  
The word got around, teacher told mom, ‘This kid is insane, ma’am.’  
Put ‘em in some lessons just to get them on the stage, then  
Got their education, took their talents straight to Pace, and  
The world’s yours to entertain, run the gameplan

Suni Reid in Hamilton

Could not believe they made it to Hamilton”

Unfortunately, in September 2021, four years after first being cast in the show, Mx. Reid was cast out of Hamilton when the Company’s management refused to renew their contract shortly after they requested that the performers have a gender-neutral dressing room in addition to the ones for men and women.

2. Mx. Reid is a Black transgender person previously employed by Hamilton as an actor with the Company’s New York, Chicago, and Los Angeles productions. Adventureland LLC is the company that handles contractual negotiations and other corporate administrative matters for the Eliza Tour of Hamilton the Musical. Since October 2017, Mx. Reid has performed with the New York, Chicago, and Los Angeles productions of Hamilton (before the pandemic shut things down).

3. During Mx. Reid’s more than two years performing with Hamilton, they graced the stage in many roles both on Broadway and in the Chicago company. On Broadway from October 2017 to March 2019, Mx. Reid appeared in ensemble roles as well as in lead roles such as George Washington, Aaron Burr, and Hercules Mulligan/James Madison. In Chicago from March 2019 to January 2020, as a standby lead, Mx. Reid appeared in roles such as George Washington, Aaron Burr, Hercules Mulligan/James Madison, and Marquis de Lafayette/Thomas Jefferson.

4. Unfortunately, during Mx. Reid’s years with the show, which purports to be an icon of diversity, they have experienced frequent incidents of discrimination and harassment from cast members and management of Hamilton based upon their race, sexual orientation/LGBTQ+ status, gender, and gender identity. Although the vast majority of fellow

cast and crew are wonderful colleagues, the Company failed to act when certain actors physically threatened or intentionally and repeatedly mis-gendered Mx. Reid, who was open about being transgender/non-binary. Much of this harassment occurred in the dressing spaces for male performers that Mx. Reid had to use as a member of the cast in New York and Chicago.

5. Mx. Reid raised concerns about this mistreatment several times, but no help was forthcoming. The Company's indifference drove Mx. Reid to take to social media on more than one occasion in an effort to call attention to and spur action to address issues of racial equity (including the predomination of white executives in upper management) and safety for cast members who are transgender and belong to other vulnerable and marginalized groups.

6. In or around May and June 2021, amid discussions and negotiations for the renewal of Mx. Reid's contract with Hamilton to perform with the Los Angeles Production (the Eliza Tour), Mx. Reid asked that a gender-neutral dressing room, appropriate for their gender identity and required by law, be set up by the Company at the Pantages Theater. This gender-neutral dressing space would be usable by other members of the cast as well, not just Mx. Reid, and multiple other actors expressed interest in using a gender-neutral dressing room.

7. Rather than welcome and engage in a dialogue regarding this reasonable and easily anticipated request and proposal, Hamilton told Mx. Reid that it simply would cordon off part of the main dressing area using a curtain or sheet. When Mx. Reid responded by letting the Company know that this was not an adequate solution (either in practical terms or under the law), management began looking for reasons to cut off its relationship with Mx. Reid. Hamilton suspended the contract negotiations with Mx. Reid after this request, despite the fact that the contract terms were otherwise essentially set (including compensation, role, *etc.*). Hamilton's management openly showed their retaliatory animus against Mx. Reid by citing "problematic"

social media posts as the supposed reason for the hold-up, despite the fact that these posts (which raised issues of racial equity and discrimination) had been known to the Company for months before Mx. Reid’s contract discussions started up again.

8. The Company ironically has referred to Mx. Reid and their complaints regarding discrimination and inequity as “problematic.” This label for an employee who is bringing issues to the attention of management raises issues of racial stereotyping and retaliatory animus on its own. It is well-known that when “individuals raise issues [of race], they often get labeled as problematic as opposed to the problem being seen as institutional that requires structural solutions.”<sup>1</sup> Hamilton’s attacking response in labeling Mx. Reid as “problematic” not only perpetuates harmful stereotypes, it betrays the Company’s reflexive retaliatory impulse in response to Mx. Reid daring to question Hamilton’s social equity bona fides and speaking up against mistreatment based on their race, sexual orientation/LGBTQ+ status, gender, and gender identity.

9. Faced with the imminent loss of their place in the cast, Mx. Reid was forced to retain lawyers in late July 2021 and have them send a letter to the Company informing it that its conduct was in violation of federal and state laws prohibiting discrimination and retaliation. The summer of 2021 dragged on with Mx. Reid excluded from weeks of rehearsals, preview performances, and ultimately opening night and beyond as the only person whose contract had similarly been held up in such a manner (albeit with the Company continuing to pay their salary).

10. Hamilton received pushback from other cast members regarding the handling of Mx. Reid’s request, and through the generosity of a cast member (Rory O’Malley, who plays

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<sup>1</sup> Nadine Wedderburn & Dianne Ramdeholl, Activism in the University: Opportunities for Reflective Dialogue and Action, 6(1) Dialogues in Social Justice 83 (2021).

King George) who was willing to give up his private dressing room, presented the Company with a ready and easy way to provide a gender-neutral dressing room for the Los Angeles production. Therefore, even though Hamilton had relented and set up a gender-neutral dressing room that could be used by at least three cast members at a time, the Company's management continued to exclude Mx. Reid from performances and would not finalize their contract.

11. Tragically for Mx. Reid, Hamilton's management would not drop their retaliatory animus and/or fear of Mx. Reid as a supposed threat and squeaky wheel, someone who was willing to raise issues and had dared to question the Company's real commitment to anti-discrimination and employees' legal rights. Despite the fact that Mx. Reid desperately wished to return to work and performing and was excited to use the new dressing room that had been set up, Hamilton terminated its contract discussions with Mx. Reid and would not bring them back. The only explanation is that Mx. Reid was punished for making legally protected complaints and requests to the Company. Though the Company did what it needed to in order to meet legal obligations and quell unrest among the cast, it would no longer tolerate or trust Mx. Reid as an employee who dared question the supposed "wokeness" of the Company as a business.

12. Just as Hamilton is a stage performance that is directed and stage managed, so is the carefully curated public image cultivated by the management of Hamilton. Although Hamilton has gone to great lengths to promote the Company as progressive and supportive of racial equity and LGBTQ allyship, these public displays do not extend backstage, to how the Company addresses the legitimate, legally protected concerns of its employee cast members.

13. When Mx. Reid raised concerns regarding discrimination, harassment, and shortcomings in how the Company fulfills its legal obligations to accommodate employees, Hamilton's management reacted with hostility and in an adversarial manner. Rather than follow

through with its outward commitment to social justice in its own workplace, off-stage Hamilton is a business that does not react well to complaints of discrimination.

14. Mx. Reid therefore has claims of unlawful discrimination, retaliation, and/or failure to accommodate against Respondents in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e *et seq.* (“Title VII”); the New York State Human Rights Law, N.Y. Executive Law § 290 *et seq.* (“NYSHRL”); the New York City Human Rights Law, N.Y.C. Admin. Code § 8-101 *et seq.* (“NYCHRL”); the California Fair Employment and Housing Act, Cal. Gov. Code §§ 12940 *et seq.* (“CFEHA”); the California Code of Regulations, Cal. Code Regs. tit. 2, § 11034 *et seq.* (“CCR”); and other applicable law. Mx. Reid therefore files this administrative Charge against Respondents under Title VII, the CFEHA, and CCR.

15. The Respondents blatantly and unlawfully discriminated and retaliated against Complainant/Charging Party Mx. Reid by withholding and then canceling renewal of their contract in retaliation for a legally protected request for accommodation and other complaints, which ratified years of tolerating discriminatory harassment by coworkers and management. Mx. Reid therefore fully intends to pursue their legal claims in federal court following the fulfillment of relevant administrative requirements and prerequisites.

## **FACTUAL ALLEGATIONS**

### **I. BACKGROUND**

16. The musical Hamilton has become an exemplar of diversity on Broadway, in part based upon the show’s casting of persons of color as the founding fathers of the United States. However, despite the show’s prominent display and message of diversity (*e.g.*, “Immigrants, we get the job done”), the corporate management of Hamilton has allowed major problems to persist

in its theatrical workplaces and has engaged in retaliation against performers, including Suni Reid, who have raised concerns about racial inequities and harassment.

17. The need for a concerted approach to addressing racial diversity and equity issues across Broadway was recently acknowledged in a “New Deal” composed by a “wide Broadway coalition of theater owners, producers, union leaders, creators and casting directors.”<sup>2</sup> This agreement also emphasizes a “process for expressing complaints or concerns (including anonymously) relating to [equity, diversity, inclusion, accessibility, and belonging] issues, and will ensure that all people working in our theatres are made aware of it.”

18. Industry-based initiatives to improve diversity and inclusion are welcome and acknowledge long-neglected barriers. Yet, shows like *Hamilton* also must face the specific issues in their workplaces, such as protecting employees from harassment, providing accommodations where appropriate (and legally required), and ensuring that employees who speak up about discrimination and racial equity and employers’ legal obligations are not punished for doing so.

19. Of course, such protections must include, but are not limited to, providing safe and welcoming workplaces for LGBTQ+ and non-binary persons, such as by meeting legal obligations under applicable law to provide proper, suitable gender-neutral dressing rooms.

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<sup>2</sup> “Directors and authors have agreed to insist on diversity riders—to include members of underrepresented communities—in all new contracts they work on and ‘will never assemble an all-white creative team on a production again.’ Producers have agreed to widen the talent pool to more diverse candidates.” Mark Kennedy, *New York Theater Leaders Agree on a New Deal for Broadway*, Associated Press News (Aug. 24, 2021), <https://apnews.com/article/entertainment-business-arts-and-entertainment-theater-new-york-a8d037777626fbd4796db88500742d17>.

## II. **SUNI REID FULFILLS A CHILDHOOD DREAM BY BEING CAST IN HAMILTON**

20. Suni Reid joined the Broadway company of *Hamilton the Musical* in October 2017.

21. Being cast in *Hamilton* was a dream come true for Mx. Reid. Mx. Reid performed in their first school musical in first grade, playing an alligator in *Once Upon a Lily Pad* (crying the whole time due to stage fright). In middle school, Mx. Reid played Bert Healy in *Annie*, singing “You’re Never Fully Dressed Without a Smile” and caught the notice of a music director/voice teacher who became a mentor and encouraged Mx. Reid’s mother to enroll her child in classes and camps for performance.

22. As a child, Mx. Reid had some trouble focusing on school (their parents divorced when Mx. Reid was three years old, and so they grew up in two homes), but suddenly theater and dance gave them a whole new outlook, and Mx. Reid began to thrive at school and flocked to opportunities to perform at theater camp and learn to choreograph dances. Once in high school, many lead roles in school plays and musicals followed, and Mx. Reid choreographed several shows for the middle schoolers. Mx. Reid’s desire to perform professionally solidified and more and more became what seemed a real career option.

23. Mx. Reid fulfilled the ambitions of their mentor from that middle school performance in *Annie* when Mx. Reid was admitted (got an offer on the spot at the audition, which Mx. Reid accepted on the spot) to and enrolled at Pace University (“Pace”) for theater, eventually getting their Bachelor of Fine Arts degree in 2017. So, at 18 years old, Mx. Reid moved to New York and lived in the Financial District.

24. The summer before college, Mx. Reid had their first professional theater role, at the Ocean City Theater Co. in New Jersey, which Mx. Reid commuted to on their own from



Pennsylvania an hour each way. This gig kicked off a string of summer stock roles during college at progressively bigger theaters, including in a regional production of the *Little Mermaid* as Sebastian.

25. In September 2015, a friend of Mx. Reid got tickets through the daily lottery and Mx. Reid got to see *Hamilton* as an ardent fan. They were blown away. They had never seen so many people of color leading a Broadway musical before, and more than ever, they wanted to be a part of it.

26. Mx. Reid could not know it at the time, but a couple of years later, from 2017 to 2020, they would appear in *Hamilton* on Broadway and later in Chicago not only in ensemble roles, but in lead roles such as George Washington, Aaron Burr, Hercules Mulligan/James Madison, and Marquis de Lafayette/Thomas Jefferson.

27. Mx. Reid threw themselves into gaining experience and exposure, not to mention working tirelessly to support themselves in New York. Mx. Reid got a job at Lululemon and for three years frequently sang backup for free at several of the city's top performance venues.

28. During the second half of Mx. Reid's senior year at Pace, they prepared single-mindedly for the senior showcase, which is performed for an audience that includes casting directors, agents, and other theater and entertainment industry professionals. In May 2017, after Mx. Reid performed in the first of two scheduled shows or presentations, they got an email from a New York casting company asking Mx. Reid to come in and audition for *Hamilton*.

29. Mx. Reid was extremely grateful for the opportunity and, from May to September 2017, went in at least five times for readings, tests, and auditions, after learning new assigned material from the show.

30. Mx. Reid was not going to throw away their shot, and preparation for the Hamilton auditions bled over into other aspects of life. Mx. Reid’s coworkers at Lululemon would joke about how sick they were of Hamilton because Mx. Reid would play it repeatedly over the store’s speakers in order to use every available minute to learn the show as well as possible.

31. Finally, on October 13, 2017, Mx. Reid got a call from their manager, who told them that the Company wanted Mx. Reid to play the role of “Man 6” on Broadway the following Wednesday, just five days later.

32. That day, Mx. Reid quit all four of the jobs they were working at the time.

33. Mx. Reid felt like a child who had just won a golden ticket and was getting to enter Willy Wonka’s chocolate factory—going from an enchanted fan to a member of the cast in two years, and only months removed from college graduation.

### **III. IN THE CAST OF HAMILTON, MX. REID HAS TO DEAL WITH MOCKING, AGGRESSIVE HARASSMENT**

34. In or around October 2017, at Mx. Reid’s first Hamilton onboarding call with Stage Manager Amber White, it quickly became clear that Hamilton might not offer the welcoming atmosphere one would expect. Instead of a warm welcome, Ms. White made it clear to Mx. Reid that “your role is cuttable, we can do the show without you.”

35. Mx. Reid was stunned by the abrasive warning that came just moments into their career at Hamilton. This incident was so upsetting and off-putting that Mx. Reid recounted it to castmates.

36. As a transgender Black person, Mx. Reid has encountered combative and, at times, threatening treatment by specific cast members and members of Hamilton’s management, although those people are a small contingent of the tremendously talented people who make up

the theatrical cast and crew of the Hamilton productions in which Mx. Reid has worked. Mx. Reid has always been confident in their ability to perform and represent Hamilton at a top level and to the best of their ability, and remains confident that they will do so in other shows in the future.

37. However, certain members of the Hamilton community made their bias and prejudice known to Mx. Reid over and over during their employment with various companies of Hamilton. For example, Mx. Reid has been told to “tone down” their performance by fellow cast and crew members. As an actor in a masculine role, it was clear to Mx. Reid that these colleagues believed that Mx. Reid was presenting as “too gay” on stage.

38. Because Mx. Reid presented as a gay man when starting with Hamilton on Broadway, Mx. Reid on stage placed themselves in a traditional male persona because of the roles that they were playing. However, Mx. Reid already identified as a transgender gender-nonconforming individual at that time. Mx. Reid simply did not yet feel comfortable enough at work to tell their colleagues about the fact of their non-binary gender identity.

39. Mx. Reid’s discomfort was and is unsurprising, given the treatment of Mx. Reid by members of management and certain castmates.

40. Many coworkers would call Mx. Reid “Miss Six,” an unwelcome play on the title of the role Mx. Reid portrayed as “Man Six.” Just a few of the cast members who did so are Andrew Chappelle (Principal Standby), Roddy Kennedy (Swing), and Neil Haskell (Ensemble).

41. These male castmates took every opportunity to wield Mx. Reid’s LGBTQ+ status against Mx. Reid, bullying and prodding at every turn, including about the way that Mx. Reid walked. Mx. Reid was accused by these coworkers of swishing their hips, a stereotype often foisted onto gay men and transgender individuals.

42. These straight male cast members were given clear priority at Hamilton, and had unfettered latitude from management to behave however they pleased, despite the openness of their discriminatory conduct. In the dressing rooms (Mx. Reid used the male dressing rooms), Mx. Reid was constantly subjected to frequent sexual and hyper-masculine “locker room talk.”

43. By way of example only, Mr. Chapelle made regular comments about the amount of body hair Mx. Reid had, and, on one occasion, mockingly called Mx. Reid “Madea,” a reference to a well-known Tyler Perry character for whom he dresses up like an older, cantankerous woman.

44. Further, numerous male castmates called Mx. Reid “auntie,” and these same cast members would make derisive comments when Mx. Reid would wear a dress to the theater or on other occasions, making a point of Mx. Reid’s personal mode of dress supposedly being inconsistent with the masculine roles Mx. Reid was playing.

45. Additionally, while with Hamilton’s Chicago company, Mx. Reid constantly heard comments by the male castmates about the Schuyler sisters’ breasts being “too distracting” in corsets.

46. Mx. Reid was not afraid, however, to point out discrimination and racial and gender inequities at Hamilton. For example, in early 2019, while still with the Broadway company in Manhattan, Scotty Westerfield, who worked in Wardrobe, told Mx. Reid to take off their nail polish before performing.

47. Mx. Reid pointed out to Mr. Westerfield that several of the female cast members were permitted to wear nail polish. Mr. Westerfield responded that “the girls are allowed to have flesh colored or nude nails you can’t see from the stage, but men can’t.”

48. On one Tuesday in early 2019, Mx. Reid began discussing this inequity with Zelig Williams, a cast member, and expressed that they did not believe it was consistent that they were required to remove their nail polish while female cast members were not. At that moment, Mr. Haskell entered the dressing room and asked what they were discussing.

49. When Mx. Reid repeated what they had said to Mr. Williams, Mr. Haskell interrupted and said that Mx. Reid was creating an issue and insisted that the differential was not based on gender. Of course, Mx. Reid had already been told by Mr. Westerfield that the different policy was, in fact, gender-based.

50. Mr. Haskell became angry and started yelling at Mx. Reid. Mx. Reid observed that his attitude and arguments appeared to rest on a base of white privilege. This argument became so heated that Mr. Chappelle recorded video of the incident.

51. Also in early 2019, Mx. Reid took an Uber home with Mr. Williams. During this Uber ride, Mr. Williams began making extremely aggressive and anti-LGBTQ+ statements and declarations to Mx. Reid, including, “Darkness has your soul,” “If you hear a voice in your head that says break up with [your boyfriend], you should because that’s god trying to save you,” “I used to be gay but I am not anymore, I prayed through it, if you don’t want to be gay any more, we can pray together.”

52. Mr. Williams also asked to see a ring that belonged to Mx. Reid. He then threw it out of the window and pretended like he never had it. Mx. Reid, fearing for their safety, exited the vehicle and called another car.

53. The following day, Mx. Reid went on stage to perform the part of Hercules Mulligan. Mx. Reid could tell that Mr. Williams was still agitated. While management witnessed this, nothing was done.

54. During that night's performance, Mr. Williams got into an altercation with dancers and even pushed someone on stage. Realizing that Mr. William's behavior was escalating, Mx. Reid reported the incident from the previous night to Ms. White during the show.

55. That same night, Mx. Reid confided in Carvens Lissaint (who played George Washington) about what had happened with Mr. Williams during their car ride. Mr. Lissaint simply responded, "That doesn't sound crazy at all, I have been praying with him." Mx. Reid became afraid that both Mr. Williams and Mr. Lissaint viewed Mx. Reid in aggressively anti-LGBTQ+ terms and were attempting to "pray the gay away" with regard to Mx. Reid.

56. Eventually, Mx. Reid learned that Mr. Williams was put on "leave" for three weeks. No one ever followed up with Mx. Reid about their complaint or report about the highly discriminatory, anti-LGBTQ+ statements.

57. After this incident, Mx. Reid had difficulty feeling safe staying with the Broadway company. Mx. Reid requested a transfer from Ms. White. A few weeks later, Mx. Reid was offered, and accepted, a role with the Chicago company.

58. Mx. Reid started with the Chicago company of Hamilton in March 2019. In the first few weeks after Mx. Reid joined the Chicago company, they were told a story by several Black company members about an incident that occurred during a rehearsal for the song "What'd I Miss?" During this rehearsal, Yossi Chaikin, a white male, told the dancers to be "proud slaves."

59. One of the cast members who was present for this incident told Mx. Reid that they had reported this to Michael Balderamo, Resident Choreographer. However, Mr. Balderamo brushed off the incident, and said that because Mr. Chaikin was from Israel, he did not have the

same cultural understanding of slavery. Disgustingly, Mr. Balderamo further said the cast members were “overreacting.”

#### **IV. CAST MEMBERS’ HARASSING CONDUCT ESCALATES IN CHICAGO**

60. During Mx. Reid’s second show in Chicago, while playing Hercules Mulligan, the actor playing Aaron Burr, Akron Watson, came up to Mx. Reid, said “I will beat your ass,” and walked away. Mx. Reid was dumbfounded and shocked. Mx. Reid had no idea what prompted such a violent threat.

61. Later, after Mr. Watson had stormed off stage, Scott Rowen, Stage Manager, asked Mx. Reid what had happened. Mx. Reid told Mr. Rowen that they did not know why Mr. Watson had done this and explained what Mr. Watson had said.

62. Mr. Rowen insisted that Mx. Reid must have done something to somehow upset Mr. Watson, and that they should avoid him and try not to look at him. Mx. Reid said that they would try, but it would be difficult given the sheer number of scenes and close contact that Mx. Reid was going to have with Mr. Watson by necessity on stage that night.

63. Instead of handling the issues, Mr. Rowen asked Mx. Reid to speak to Mr. Watson one-on-one, despite the fact that he had just made a violent threat to Mx. Reid. Wanting to appease Mr. Rowen and show their willingness to cooperate, Mx. Reid obliged.

64. Mx. Reid approached Mr. Watson and said, “I don’t know what I did to upset you, but I didn’t mean to do something to upset you, anything I did is all in the play, nothing was directed at you, let me know if there was something I did.” Mr. Watson was clenching and rubbing his fists and said, “Yeah, I know.”

65. Obviously, this incident again made Mx. Reid, to their surprise, feel in danger at work. And this time, the danger was immediate and physical in nature. Mx. Reid asked Mr.

Rowen if someone could take over their role for the night. Mr. Rowen asked if Mx. Reid was okay. Mx. Reid unequivocally told Mr. Rowen that they were not okay, that they did not feel safe, and that Mr. Watson was conspicuously rubbing his fists when talking with them.

66. Later, Mr. Rowen told Mx. Reid that he believed it was all a mere misunderstanding and that he would like for them to have a mediation to figure out how to make things better. Mr. Rowen brought Mx. Reid and Mr. Watson together in a room with Jessica McCloud, the Resident Director. Mr. Rowen proceeded to tell everyone that the incident was just a misunderstanding. This evasive, dismissive approach by management was not at all reassuring to Mx. Reid as far as ensuring such an incident did not occur again.

67. During this mediation, Mx. Reid learned that Mr. Rowen's violent outburst happened as a reaction to Mx. Reid touching him (as directed) during a performance. Apparently, during a performance of the musical number for "My Shot," there is a lyric referring to "poppin' a squat," which is accompanied by Hercules Mulligan placing a hand on Aaron Burr's shoulder to sit him back down. When Mx. Reid performed this choreographed and rehearsed move, Mr. Watson somehow interpreted it as Mx. Reid trying to fight him and reacted in an outwardly aggressive fashion. Astonishingly, once the actors were off-stage, Mr. Rowen asked Mx. Reid in front of Mr. Watson (rather than privately), "Do you want him to be reprimanded?" Clearly uncomfortable because Mr. Watson was standing right there, Mx. Reid said, "No."

68. After this incident, Mx. Reid was informed by other Chicago company members that Mr. Watson's behavior was typical, and that he had exhibited similar behavior in the past. Mr. Watson was never reprimanded and went on to secure further roles with the Hamilton companies.



69. Still uncomfortable with and not ready to simply accept Mr. Watson's violent actions, Mx. Reid spoke with the Equity Deputy for the Chicago company, Nikki Renee Daniels, and asked her to make Equity aware of the incident. While Ms. Daniels did what she was supposed to and reported it, Mx. Reid later learned through the process that Hamilton had not included the incident in the show report the Company provided to Equity, which is supposed to include such harassing and aggressive incidents. No action was taken.

70. Mx. Reid came out publicly as transgender and gender-nonconforming in Chicago in 2019. Mx. Reid told their coworkers, changed their pronouns, and requested that coworkers use the proper pronouns for them. Unfortunately, certain individuals at Hamilton appeared to take pleasure in or disregard the significance of misgendering Mx. Reid, at times in a pointedly hostile or callous manner.

71. One such individual was Mr. Balderamo, who would consistently misgender Mx. Reid and then dismiss it. Male cast members would misgender Mx. Reid constantly during rehearsal in front of management, with no guidance to those cast members or assistance to Mx. Reid provided by the Company.

72. Because Mx. Reid's pronouns and gender identity were being disrespected, in February 2020, Mx. Reid sent an email to management providing written notice of their proper pronouns and asking that they be addressed appropriately and sensitively going forward. This request from Mx. Reid came after they attended a Company harassment and discrimination training session in New York City during rehearsal for the Los Angeles company.

Unfortunately, due to the COVID-19 pandemic, Mx. Reid never had the opportunity to join the Los Angeles cast in performance because the U.S. went on lockdown shortly after that.

73. In June 2020, Mx. Reid joined the Board of Broadway for Racial Justice, motivated by the surge in activism and awareness surrounding the need for concerted efforts to address racial inequities and injustice in the workplace, with a focus on theatrical workers.

74. On March 19, 2021, Mx. Reid discussed a number of these incidents on Instagram Live, including the “proud slave” comment that had been made by a fellow cast member.

75. Jay Hewlin, a contracted attorney for Hamilton, reached out to Mx. Reid and asked if they could speak. Mr. Hewlin and Mx. Reid had a Zoom call that lasted almost three hours, where Mx. Reid discussed all of the incidents up to that point in great detail, and also discussed Mx. Reid’s Instagram and Twitter posts about racial equity and harassment issues at Hamilton.

76. During the interview, Mr. Hewlin told Mx. Reid that he was a contractor hired by Hamilton as a factfinder to help address cultural issues at Hamilton. Mx. Reid had no inkling that any of their social media posts or the content of the interview could or would be used against them (or why the Company might seek to do so), as Mx. Reid was raising sincere concerns about racial equity at the Company and harassment based upon their gender/gender identity, which are legally protected characteristics. At all times, Mx. Reid sought to help foster an equitable, safe environment at Hamilton by raising concerns and bringing incidents to the attention of management.

77. Later, in or around June 2021 (and later), Hamilton would use these posts to rationalize suspending the renewal of Mx. Reid’s contract with the Los Angeles production (the “Eliza Tour”) after Mx. Reid requested the accommodation of a gender-neutral dressing space at the Pantages Theater. This transparent pretext (which itself shows a retaliatory impulse, coming in response to expressions of concern by Mx. Reid about discrimination) was presented belatedly

by the Company's management, given that it had been aware of these posts long before they first presented Mx. Reid with their contract renewal offer in or around May 2021.

**V. AFTER GIVING MX. REID CONTRACT RENEWAL PAPERWORK IN MAY 2021, THE COMPANY SUSPENDS THE OFFER AFTER MX. REID REQUESTS A GENDER-NEUTRAL DRESSING SPACE FOR THE LOS ANGELES COMPANY**

78. On May 3, 2021, Hamilton hosted a Zoom chat with the cast of the Los Angeles company and members of management Jeffrey Seller, Maggie Brohn, Andy Jones, Nick Lugo, Collette Luckie, and Jay Hewlin before the performers returned to work. Mx. Reid asked if there were any conversations around having gender inclusivity training. Ms. Brohn told Mx. Reid that it had not been discussed but thanked Mx. Reid for bringing it to their attention.

79. In the wake of the Black Lives Matter Movement, Hamilton had started a voluntary taskforce to address race issues within the Company. In the May 2021 Zoom meeting, Mx. Reid asked if there were any conversations about whether the Company considered compensating employees who participated in the taskforce (which was made up of members of the Company) for their time.

80. Mr. Hewlin, the attorney who had interviewed Mx. Reid a couple of months before, pointedly responded that "if people want to volunteer their time, they should be able to do that without being judged." Despite this harsh response, it was clear that Mx. Reid was not judging anyone for volunteering their time or participating in the taskforce, and that Mx. Reid was pointing out the value of employees' time and contributions as part of such an initiative (which also could be more successful as a result).

81. Later in May or June 2021, Mx. Reid asked their agent, Michele Large, to make a request for access to a gender-neutral dressing room (which would not be for Mx. Reid's exclusive use) as part of the discussions about renewing and finalizing Mx. Reid's contract with

Hamilton. This request was driven by the bullying and attacks that Mx. Reid had faced in the male dressing rooms at Hamilton in the past, as well as Mx. Reid's knowledge that other cast members would welcome having such a space available as well.

82. On June 23, 2021, Ms. Large contacted Hamilton through Beth Renoni at Baseline Theatrical to reaffirm their position that "having a dressing room that affirms their gender will be a requirement to return to work." Ms. Large further wrote, "As I am sure you can understand, living one's life in accordance with one's gender identity is often critical to mental health. Suni feels strongly that returning to the theater and rehearsals to the same dressing room set up as in the past where they continue to separate the ensemble according to gender is anxiety provoking and only exacerbates other potential adverse outcomes for the performer." At that point, Hamilton brought in Collette Luckie, People and Culture at Hamilton, to further discuss this request.

83. This was a simple request, in line with California law, especially for a very large professional theater and production such as Hamilton at the Pantages Theater in Los Angeles. However, rather than having collaborative, productive discussions and engage in problem-solving to reach a mutual agreement, Ms. Luckie went on a retaliatory fishing expedition for dirt to use on Mx. Reid.

84. On June 29, 2021, Ms. Luckie sent an aggressive email to Ms. Large claiming that some of Mx. Reid's Instagram posts (the same ones that had already been discussed with Mr. Hewlin months before) had just "popped up on [her] radar" and that she was concerned with what she characterized as "a continual and consistent disparagement of Hamilton and its leadership team." Ms. Luckie went further, stating that, "I'm particularly concerned because it

would seem, from this and other posts, Suni, that perhaps you actually do not want to resume your relationship with Hamilton....”

85. This was a transparent retaliatory threat of termination against an employee, Mx. Reid, who clearly was seen as a “squeaky wheel” on subjects of racial equity and LGBTQ+ issues that the Company felt were not compatible with the public image that Hamilton has carefully curated for itself. Hamilton’s management had begun the process of building a pretext to cut ties with Mx. Reid (although that pretext itself showed unlawful retaliatory animus), and the request for a gender-neutral dressing room apparently was the last straw, given that Mx. Reid had been offered a contract renewal just weeks before Ms. Luckie’s email.

86. Mx. Reid’s online posts were not disparaging of the show, but rather raised issues of discrimination faced by particular individuals and expressing Mx. Reid’s experiences as a transgender person of color in the theatrical industry while with Hamilton.

87. Mx. Reid responded respectfully by email, stating on June 30, 2021, “I can ensure you that I am interested in resuming my professional relationship with Hamilton, otherwise I wouldn’t be taking the time to engage in this dialogue at all... I am happy to address any and all statements that I have made. I would like to move forward in positivity and optimism as well.”

88. Mx. Reid also responded that they felt the social media posts were being used in response to their request for a gender-neutral dressing space. On July 1, 2021, Ms. Luckie denied this, while simultaneously misgendering Mx. Reid and continuing to accuse them of disparagement.

89. On July 2, 2021, Brandon Nase, the Executive Director of Broadway for Racial Justice, reached out to Ms. Luckie on behalf of Mx. Reid in an attempt to resolve the situation.

Upon information and belief, Ms. Luckie was hostile towards Mr. Nase and refused to engage in any conversation with him.

90. On Saturday, July 3, 2021, Hamilton attempted to cover up and get ahead of its indiscretions by sending an email to the entire Hamilton company stating that gender neutral dressing spaces would be available in every Hamilton theater. This email did not describe what these spaces would look like.

91. On July 7, 2021, Mx. Reid and Ms. Large received another alarming, aggressive, and retaliatory email from Ms. Luckie. In this email, Ms. Luckie put Mx. Reid's contract "on hold" and referred to Mx. Reid's social media posts as "slanderous" (a loaded legal term) while demanding a call on the matter. On July 9, 2021, Ms. Luckie refused a request by Mx. Reid to have Mr. Nase present for the conversation about the social media posts.

92. That same day, Ms. Large informed Ms. Luckie that she and Mx. Reid would participate in such a call but that they would only listen to the Company's position and would respond later, because they were not permitted to have a legal representative or advocate on the line with them.

93. On July 12, 2021, Ms. Luckie, Ms. Brohn, Mx. Reid, and Ms. Large had a video call. Ms. Luckie was not interested in discussing a gender-neutral dressing space, but now was determined to bring pressure on and force Mx. Reid into submission by using their social media posts as a weapon (which again displays retaliatory animus and *modus operandi*).

94. Hamilton proposed and claimed that it had set up a separate "gender neutral dressing space," which was simply a sheet hung up in a gendered dressing room. This was not a viable set-up, and the space at the Pantages Theater allowed for a truly separate gender-neutral dressing space.

95. In an effort to figure out a reasonable, feasible solution to the dressing space, Mx. Reid reached out to Jeff Loeb, General Manager of the Pantages Theater to get a better understanding of the theater layout in order to be better able to discuss options and configurations.

96. On July 14, 2021, after this conversation, Mx. Reid received yet another threatening and aggressive email, this time from Ms. Brohn, who called Mx. Reid's communication with Mr. Loeb "inappropriate" and "misconduct."

97. This type of overheated, retaliatory communication had at this point become habitual on the part of the Company, and its characterization of Mx. Reid's actions is transparently false.

98. Mx. Reid learned (not through Company management) that Tony-nominated actor Rory O'Malley, who plays King George, had generously offered his own dressing room at the Pantages Theater to serve as a gender-neutral dressing room. In addition, several members of the Los Angeles cast of Hamilton had expressed an interest in using a gender-neutral dressing room. Namely, Yvette Lu (pronouns: she/they), a Swing member of the cast, expressed interest in using the gender-neutral dressing room. Ms. Large communicated this point to Ms. Brohn on numerous occasions during Mx. Reid's negotiations. Julian Ramos, Ensemble, also expressed to Mx. Reid that he would be interested in using the space with them. When the dressing room was created, fellow cast members were excited about this prospect, and Candace Quarrels, Standby for the Schuyler Sisters, told Mx. Reid that she would be interested in using the gender-neutral dressing room with them.

99. On July 14, 2021, Ms. Brohn said that the parties should mediate the outstanding disputes. In response, Ms. Large asked what qualifications the mediator would have and asked if

Ms. Brohn could “provide [her] with a better understanding of what sort of training you all have participated in around the issues of racial justice and gender.”

100. Ms. Brohn refused to respond to the second part of Ms. Large’s inquiry, simply stating that, “As to your request about the type of training Hamilton has done relating to race and gender issues, we expect you will raise this during mediation.”

101. On his own initiative, Mr. Nase reached out to the office of Hamilton creator Lin-Manuel Miranda to discuss the issues raised by Mx. Reid because he felt that Hamilton’s bullying and refusal to provide basic accommodations and protections had to be brought to the attention of Mr. Miranda and his wife personally. In addition, Mr. Nase and Broadway for Racial Justice had a pre-existing relationship with Mr. Miranda.

102. Again, Ms. Brohn’s default reaction to this communication by Mr. Nase was to direct retaliatory animus and threats towards Mx. Reid. Ms. Brohn attempted to use this as a weapon against Mx. Reid, and sent yet another threatening email on July 16, 2021, accusing Mx. Reid of engaging in “inappropriate” conduct that “interferes with their ability to be returned to work.”

103. Mx. Reid was told by cast members that they demanded a meeting with the Producers of Hamilton to discuss why Mx. Reid was not at rehearsals. Mr. Hewlin and Ms. Brohn met with the members of the cast and crew.

104. During this meeting, Mr. Hewlin and Ms. Brohn told the cast flatly that they would not discuss Mx. Reid’s contract, and that “there is more to that story than you know.” In an incredible display of racial insensitivity and arrogance, Mr. Hewlin said to the assembled cast, “This is not a plantation, if you want to leave, you can leave.”



105. This truly shows the extreme degree to which some Company officials are missing the point here, including with regard to Mx. Reid's online posts about racial representation and equity in the industry and upper management at Hamilton.

106. One cast member asked if Mx. Reid's contract was being held up because of the Instagram posts or because of their request for a gender-neutral dressing room. Mr. Hewlin and Ms. Brohn refused to answer this simple question.

107. Another castmate also asked whether Mx. Reid's contract renewal delay was about their Instagram posts, because they needed to know that in order to determine where the line was regarding employees' statements and communications, including online. Apparently, Ms. Brohn said, "You can talk about what you want to talk about."

108. This statement by Ms. Brohn that employees are free to discuss whatever they want is either false, or only Mx. Reid has been targeted for such scrutiny and weaponization of their speech, which points squarely towards retaliatory animus.

109. At least one other incident points towards Hamilton's retaliation against employees who raise issues regarding the discriminatory impact of Company practices.

110. Upon information and belief, Nyla Sostre, who played Peggy for the National Tour, Philip company, was targeted for discriminatory and retaliatory treatment as well. During the tour, Ms. Sostre was having difficulty with the styling of her wig, which she felt and expressed was due to a lack of people of color on the Hair team who had sufficient knowledge and experience to handle the styling of Black hair. As a result, Ms. Sostre began to style her own wigs. Ms. Sostre was then terminated on this flimsy and discriminatory basis. Approximately six to eight months after Ms. Sostre's termination, Hamilton sent out an email stating: "We have had multiple conversations with Team Hair and subsequently with members from each company to

address the issues of hair and wigs. We have outlined the below action items which are currently being worked on ... Some wigs which have more texture and are more difficult to keep looking fresh during an 8 show week will have doubles ... The show will be looking into purchasing products from Black and Hispanic owned businesses.” It is clear here that Hamilton both fired the woman who dared to point out the deficiencies in the production towards people of color, and then belatedly implemented changes in line with what she had pointed out, but only after getting rid of the troublesome cast member.

111. Another cast member, Daniel Belnavis, who like Mx. Reid also played “Man 6,” bravely took a stand to point out racial and sexual orientation-based injustices at Hamilton.<sup>3</sup> Similarly to Mx. Reid, Mr. Belnavis reported that he was told that his role was “cuttable if need be.” Mr. Belnavis recounted many troubling encounters at Hamilton. By way of example only, one such encounter was with a white male music director, who told the cast members that they “sounded *too urban* when [they] sang the word, “preacher”—in other words, we sounded too Black for his liking.” Mr. Belnavis gave words to thoughts that Mx. Reid had long had: “Hamilton is, without question, a Boys’ Club rooted in toxic masculinity and heteronormativity.” When Mr. Belnavis dared to speak out, he was met with hostility from the Hamilton team. Mr. Belnavis wrote: “I had recently begun to stand up for myself and establish boundaries with certain members of leadership within the Angelica company who I felt were taking advantage of me. Unsurprisingly, this was met with resistance. I knew that Vassel was reaching out to try and subdue what he and management now viewed as a disgruntled, angry Black man back into passivity.”

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<sup>3</sup> Daniel James Belnavis, *The Unraveling of a Dream: My Life in the Cast of Hamilton: An American Musical*, Medium (Mar. 11, 2021), <https://aninjusticemag.com/the-unraveling-of-a-dream-6824c652c013>.

**VI. HAMILTON REFUSES TO RENEW MX. REID’S CONTRACT IN RETALIATION FOR THEIR LEGALLY PROTECTED COMPLAINTS AND REQUEST FOR A GENDER-NEUTRAL DRESSING ROOM**

112. Despite all of these actions by the Company, Mx. Reid remained dedicated to the show and resuming work with Hamilton. After Company management suspended renewal of Mx. Reid’s contract and repeatedly ratcheted up its threats, Mx. Reid felt they had to get an attorney to negotiate their return to Hamilton, though they were still left on the Company payroll for the time being.

113. On July 30, 2021, Mx. Reid, through counsel, informed Hamilton in writing that they had legal “claims of discrimination and retaliation ... in violation of, Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e *et seq.*; the New York State Human Rights Law, N.Y. Executive Law § 290 *et seq.*; the New York City Human Rights Law, N.Y.C. Admin. Code § 8-101 *et seq.*; the California Fair Employment and Housing Act, Cal. Gov. Code §§ 12940 *et seq.*; the California Code of Regulations, Cal. Code Regs. tit. 2, § 11034, *et seq.*, and other applicable law.”

114. During August 2021, weeks of rehearsals, preview performances, and Opening Night went by with Mx. Reid forced to sit them all out. Unfortunately for Mx. Reid, even after patiently and sincerely waiting to see whether Hamilton would ultimately allow them to return to work, it was revealed that the Company seemingly had no real intention of keeping renewal of their contract on the table.

115. Over these weeks, Mx. Reid was fielding constant calls and messages from fellow cast members, asking when they were returning and why the Company had not brought them back. Some were suggesting that they engage in protests and file objections with the Company regarding the treatment of Mx. Reid. Mx. Reid thanked these colleagues but asked them to allow the process to play out and not put themselves at risk of retaliation as well. In order to address

these inquiries and other messages that Mx. Reid was seeing on social media, they also posted a message online assuring those with questions that things were playing out and that they were OK.

116. On September 10, 2021, the Company received a letter from Mx. Reid's counsel detailing the facts supporting their claims of discrimination, retaliation, hostile work environment, and other various violations of applicable law, including California law regarding requirements that employers provide gender-neutral facilities (including dressing rooms).

117. After this letter was sent to the Company, a Hamilton cast member told Mx. Reid that a gender-neutral dressing room had been provided to the cast. Mx. Reid's lawyers communicated to counsel for Hamilton that the dressing room they had learned about addressed the request Mx. Reid had made and that this issue and obstacle to Mx. Reid's return appeared to be resolved.

118. On September 18, 2021, after Mx. Reid had communicated, on numerous occasions, protected complaints of discrimination and retaliation through counsel, Hamilton communicated to Mx. Reid's counsel that they no longer were open to having Mx. Reid perform in any Hamilton company or production, and renewal of their contract was no longer an option. Not only was this termination in blatant retaliation for Mx. Reid's legally protected request for a gender-neutral dressing room and protected complaints of discrimination and retaliation, but furthermore was retaliation for Mx. Reid's legally protected activity in retaining legal counsel and asserting claims of discrimination and retaliation against the Company.