

1 **GATES EISENHART DAWSON**  
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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **COUNTY OF SANTA CLARA, UNLIMITED JURISDICTION**

10  
11 ANDREW EACOTT,

12 Plaintiff,

13 vs.

14 HEWLETT PACKARD ENTERPRISE  
15 COMPANY; and DOES 1 through 25,  
16 inclusive,

17 Defendants.

CASE NO.:

**PLAINTIFF'S COMPLAINT**

18  
19 Plaintiff Andrew Eacott alleges as follows:

20 **PRELIMINARY ALLEGATIONS**

21 **PARTIES**

22 1. Plaintiff Andrew Eacott ("Eacott") is and at all times relevant herein was an  
23 employee of Defendant Hewlett Packard Enterprise Company. He resides in Santa Clara  
24 County, California.

25 2. Defendant Hewlett Packard Enterprise Company ("HPE") is and at all times  
26 relevant herein was a multinational enterprise information technology company based in San  
27 Jose, California.

1 3. The plaintiff is ignorant of the true names and capacities of the defendants sued  
2 as Does 1 through 25, inclusive, and, therefore, sues said defendants by such fictitious names.  
3 The plaintiff will amend this complaint when the true names and capacities of said defendants  
4 are ascertained by the plaintiff.

5 4. Upon information and belief, at all relevant times mentioned in this complaint,  
6 each defendant was the agent, representative, subsidiary, affiliate and/or employee of each of  
7 the other defendants and was, with respect to the matters referred to in this complaint, acting  
8 within the course, purpose and scope of such agency, affiliation, representation and/or  
9 employment and, further, that each of such defendants has ratified, directed, controlled,  
10 authorized, and/or approved the acts of its respective agents, subsidiaries, representatives,  
11 affiliates and/or employees as alleged in this Complaint. Plaintiff is unaware of the exact  
12 relationship between each defendant, but the relationships are known full well to all of the  
13 defendants.

#### 14 **FACTUAL ALLEGATIONS**

15 5. From January 2014 to the present, Eacott has been the Director of Internal Audit  
16 heading up the fraud, forensics and anti-corruption team at HPE. He is an Australian Certified  
17 Practicing Accountant. Eacott is a certified fraud examiner and a member of the Association of  
18 Certified Fraud Examiners.

19 6. At all times relevant herein, Eacott has been responsible for three key areas  
20 within the Internal Audit department: (1) global investigations of potential breaches of the HPE  
21 code of conduct; (2) global fraud mitigation program and anti-corruption audits; and (3) global  
22 channel partner audits.

23 7. At all times relevant herein, his duties have included: (1) directing a global team  
24 who perform investigations into allegations that include, *inter alia*, the Foreign Corrupt  
25 Practices Act and corruption concerns, revenue recognition issues, serious ethical breaches, and  
26 side agreements; (2) directing a team of auditors who perform fraud risk assessments and anti-  
27 corruption audits of key processes and locations globally; (3) directing a team of auditors who  
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1 perform audits of HPE channel partners to validate compliance with contractual terms and  
2 conditions; and (4) acting as a member of the internal audit leadership team.

3 8. Upon information and belief, Jeremy Cox (“Cox”) was appointed the Chief Audit  
4 Executive in approximately the middle of 2017. Eacott reported to Cox in this role. Upon  
5 information and belief, one of Cox’s responsibilities was and is to report the results of  
6 investigations by Eacott and legal to the audit committee at HPE, who in turn is required to take  
7 the appropriate course of action.

8 9. Upon information and belief, HPE had a large number of serious ethical and/or  
9 legal issues that arose due to the conduct of its employees in Asia at that time, including  
10 corruption, bribery of foreign officials in violation of the Foreign Corrupt Practices Act, illegal  
11 marketing development funds which were used to create “slush funds,” and revenue  
12 manipulation to ensure that HPE met targets and paid sales staff, all in violation of state and  
13 federal law. Upon information and belief, these problems were systemic in HPE’s work in Asia.

14 10. Eacott and his team, per their responsibility, tried to investigate and report these  
15 issues within HPE. However, Eacott’s managers (including Cox) and/or other employees with  
16 authority over Eacott influenced the investigations and/or altered the findings to ensure HPE’s  
17 business was not disrupted.

18 11. For example, upon information and belief, HPE was investigating whether the  
19 aforementioned fraud and/or corruption existed in one of its projects in Asia, known as Project  
20 Dhaka, around the time that Cox was appointed the Chief Audit Executive.

21 12. Upon information and belief, the investigation into Project Dhaka revealed that  
22 senior leadership at HPE was engaged in a multitude of violations of federal and state law,  
23 including revenue manipulation, kickbacks, bribery of foreign officials, and employment of  
24 “ghost” employees. Eacott and his team were responsible for reviewing and editing the original  
25 report on the investigation into Project Dhaka. However, the original report, which was drafted  
26 by Eacott’s team and the legal department, was changed without Eacott’s permission by his  
27 managers and/or employees with authority over him to reflect that the problems were not as  
28 serious as they, in fact, were. There was no factual basis for the changes to the report other than

1 to unlawfully benefit HPE, prevent having to report these issues to any governmental entity, and  
2 ensure that the leadership in Asian was not penalized.

3 13. Eacott objected to the improper and factually baseless amended report. Eacott  
4 directed his objections to, *inter alia*, Cox. Cox responded that Eacott should not persist in his  
5 objections.

6 14. Upon information and belief, the audit committee was never presented with the  
7 first objective report for the Dhaka Project.

8 15. Upon information and belief, the same and/or similar issues arose with respect to  
9 another HPE project known as Project Brickfields, which was in Malaysia. An investigation  
10 into Project Brickfields by Eacott and his team revealed a multitude of violations of federal and  
11 state law, including revenue manipulation, kickbacks, and bribery of foreign officials.

12 16. Eacott and his team assisted in preparing an objective report of its findings.  
13 Eacott objected, including to Cox, that the violations regarding Project Brickfields were not  
14 objectively being reported to the audit committee. However, Cox refused to accept the input of  
15 either Eacott or his team and put their concerns and/or factual findings into a report for the audit  
16 committee. Rather, Cox excluded Eacott from this investigation and blocked Eacott's attempts  
17 to share his team's objective and independent information with the audit committee. Upon  
18 information and belief, Cox provided a diluted report to the audit committee to give the  
19 appearance that the problems were not as serious as they were, unlawfully benefit HPE, prevent  
20 having to report these issues to any governmental entity, and ensure that the leadership in Asia  
21 was not penalized. Upon information and belief, HPE was under a deferred prosecution  
22 agreement at the time due to a prior violation of the Foreign Corrupt Practices Act. Upon  
23 information and belief, the senior leadership at HPE diluted the report to avoid any further  
24 violations of the Foreign Corrupt Practices Act.

25 17. Eacott requested meetings with the Chief Financial Officer and Mary  
26 Wilderotter, the chair of the audit committee, to report the actual facts related to Project  
27 Brickfields. However, Eacott did not receive any response to these requests.

1 18. Eacott repeatedly reported the aforementioned issues to employees with the  
2 authority to investigate, discover, or correct legal violations and noncompliance matters.  
3 However, Eacott was repeatedly ignored and/or told not to report the issues. In fact, Eacott has  
4 received threats to discourage him from reporting the issues.

5 19. Eacott has been subjected to repeated and serious adverse actions at HPE  
6 including, but not limited to, negative performance reviews and commentary which have had the  
7 effect of blocking his opportunities for advancement and opportunities for increased  
8 compensation and responsibility. This conduct, carried out by his direct supervisors and  
9 managing agents for HPE, created a hostile working environment so pervasive as to require  
10 Eacott to take a medical leave of absence. All the above adverse actions have been carried out  
11 in retaliation for Eacott's consistent reporting of widespread, systematic, and serious compliance  
12 and ethical violations that he personally observed and documented during the course of his  
13 employment with HPE.

14 20. HPE's conduct was conducted with oppression, fraud, and/or malice warranting  
15 an award of punitive damages.

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17 **INCORPORATION OF PREVIOUS ALLEGATIONS**

18 21. Unless the context clearly indicates otherwise, the previous allegations contained  
19 herein shall be deemed to be incorporated herein by reference, as though fully set forth at  
20 length, in each and every cause of action set forth in this complaint.

21  
22 **FIRST CAUSE OF ACTION FOR RETALIATION AGAINST ALL DEFENDANTS**

23 **(Lab. Code, § 1102.5)**

24 22. HPE was Eacott's employer.

25 23. HPE believed that Eacott had disclosed or might disclose to a government  
26 agency, law enforcement agency, and/or a person with authority over Eacott or an employee  
27 with authority to investigate, discover, or correct legal violations and/or noncompliance issues  
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1 that HPE had engaged in the aforementioned conduct, including violations of the Foreign  
2 Corrupt Practices Act.

3 24. Eacott had reasonable cause to believe that the information disclosed a violation  
4 of a state and/or federal statute and a violation of and/or noncompliance with a local, state  
5 and/or federal rule or regulation.

6 25. HPE took adverse employment actions against Eacott.

7 26. Eacott's disclosure was a contributing factor in HPE's decision to take adverse  
8 employment actions against Eacott.

9 27. Eacott was harmed, and HPE's conduct was a substantial factor in causing Eacott  
10 harm.

11 **PRAYER**

12 Wherefor, Plaintiff prays for judgment against Defendants, and each of them, as follows:

13 1. For damages in the form of any and all consequential damages, compensatory,  
14 general, special, economic and noneconomic damages allowed by law;

15 2. For punitive damages;

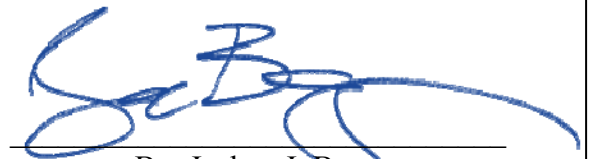
16 3. Attorney's fees and costs;

17 4. Prejudgment interest; and

18 5. For such other and further relief the court deems just and proper.

19 GATES EISENHART DAWSON

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21  
22 Dated: November 4, 2019



By: Joshua J. Berger  
Attorneys for Plaintiff