

SYNERGY // AEGIS GRAVITAS

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ORIGINAL PROMPT

SYNERGY DELIBERATION SCENARIO: "The Mendez Problem" CONFIDENTIAL — PRIVILEGED ATTORNEY WORK PRODUCT FACTS: Victoria Mendez, 59, is a senior partner at a 200-attorney Philadelphia firm. Twenty-three years tenure. Rainmaker. \$4.2M book of business. Eighteen months from full pension vesting (\$2.8M value). Six months ago, she was diagnosed with early-stage Multiple Sclerosis. She has disclosed this to no one at the firm. Over the past four months, she's noticed a pattern: removed from three major client pitches, reassigned from a trial she spent two years preparing, and her office was relocated from the 40th floor to the 12th "for renovation efficiency." Last week, she was told her equity points would be "restructured" at year-end review. HERE'S WHERE IT GETS COMPLICATED: Three weeks ago, IT sent her credentials for a shared drive by mistake — credentials belonging to the Management Committee chair. Before realizing the error, she opened several files. What she found: Emails explicitly discussing "transitioning Victoria out" due to concerns about her "stamina" and "long-term viability." One email from the Managing Partner reads: "We need to be careful how we document this. The last thing we need is another age thing." A spreadsheet showing the firm has been systematically overbilling a federal defense contract client by approximately \$3.4 million over five years — billing associate hours at partner rates, padding research time. This is potential False Claims Act territory. Criminal exposure for the firm. A complaint filed internally eight months ago by a junior associate, Keisha Williams, alleging sexual harassment by a named partner. The complaint was "investigated" and closed with no action. The accused partner is still supervising Williams. Victoria realizes she knew about rumors of this behavior two years ago and said nothing. ADDITIONAL COMPLICATIONS: Victoria's husband is a contractor who has done \$600K in work for the firm over the past decade. If she sues, that relationship is dead. The partner who wrote the "stamina" email is David Chen — Victoria's former mentee. She sponsored him for partnership twelve years ago. Victoria accessed those files for approximately 90 minutes before realizing the credential error and reporting it to IT. The firm's forensic IT team certainly has logs. The statute of limitations on her potential discrimination claim runs in 27 days. If she files a qui tam (whistleblower) claim on the overbilling, she could potentially recover 15-30% of the government's recovery. But her method of discovery is problematic. Pennsylvania has mandatory reporting requirements for certain attorney misconduct. The harassment complaint may implicate those duties. Victoria has been in therapy for depression for the past four months. Her therapist's notes, if subpoenaed, would reveal she's discussed "not being as sharp as I used to be." THE QUESTION FOR SYNERGY: Victoria Mendez is sitting in your office. She has 27 days before her discrimination claim expires. She wants to know: What should she do? What are her options? What would YOU advise — and what is the defensible reasoning for that advice?

FINAL OUTPUT

Victoria needs to treat this as three separate, time-sensitive problems that must be handled in parallel: (1) employment/benefits discrimination and pension protection (27 day clock), (2) federal-contract overbilling (False Claims Act/whistleblower), and (3) professional-responsibility/ethics exposure (including how she obtained what she saw). The worst move is to “wait and see.”

1) Do these things immediately (next 24–72 hours)

1) Hire counsel now—at least two specialists

- Employment/executive-comp/partner disputes counsel (PA + federal; partner status matters).
- Qui tam / False Claims Act counsel (specialist; do not use a general litigator here).
- If possible, add ethics/professional responsibility counsel (or ensure one of the above truly has that expertise).

2) Stop all access and do not copy anything

- No further opening files, no forwarding, no printing, no screenshots, no downloads.
- The firm will have logs. Your goal is to avoid turning an IT mistake into an “unauthorized access” narrative.

3) Create a privileged timeline for your lawyers

- Write a short memo to your counsel documenting: how the credentials were received, what you accessed at a high level, how long, that you stopped, and that you reported the error. Keep it factual and non-dramatic.

4) Preserve only what you already legitimately have

- Your own emails, calendar entries, pitch staffing changes, comp/equity notices, office move communications, origination/realization metrics, performance reviews, partnership agreements/plan docs, pension/vesting documents.
- Do not take client confidential materials or internal management files beyond what you already possess in the ordinary course.

2) Protect the 27 day deadline (do not miss this)

You need to preserve the employment/discrimination/retaliation claim immediately, even if you hope to negotiate.

- Your counsel should determine the correct vehicle (EEOC/PHRC and/or contract/benefits claims), because equity partners are sometimes treated as “owners,” not “employees,” which can change what statutes apply and what deadlines control.
- Filing a charge/complaint to preserve rights is not “going nuclear.” It’s keeping leverage and preventing forfeiture.

3) Do not use the fraud/harassment as bargaining leverage

Do not threaten: “Pay me / let me vest / restore my equity or I report the overbilling/harassment.” That can be framed as extortion/blackmail and can also create serious professional-discipline exposure. All communications with the firm should be scripted by counsel.

4) Handle the federal overbilling through qui tam counsel—carefully

If the \$3.4M overbilling is real and tied to a federal defense contract, it can implicate the False Claims Act. Key points:

- First-to-file matters. If you intend to be a relator, delay can cost you the case.
- Do not build the case by “self-help discovery.” Given the access issue, your safest posture is:
- File (if counsel advises) a sealed qui tam complaint based on what you can describe without further document taking.
- Provide the government a roadmap (names, dates, billing codes, contract terms, where records likely sit) so DOJ can subpoena/obtain evidence cleanly.
- Expect the firm to argue you “snooped.” Your defense is strongest if you ceased access promptly, didn’t exfiltrate documents, and reported the credential error.

5) Harassment complaint: treat as an ethics and safety issue, not a tactical tool

A buried harassment complaint and ongoing supervision by the alleged harasser is serious. But you must

not “investigate” internally on your own or coordinate in ways that create conflicts.

- Have ethics counsel advise what (if anything) you must report under PA rules, and how to do so without violating confidentiality duties.
- If you are contacted as a witness, be truthful and let counsel manage the process.

6) Plan for a negotiated exit focused on vesting and reputation (parallel track)

Assume the firm is already executing a “transition out” plan. Your realistic objective is usually:

- Vesting protection (or a vesting-equivalent payout/acceleration),
- non-retaliation / non-disparagement,
- a controlled client-transition plan,
- clean reference/reputation terms,
- and separation language that cannot restrict lawful whistleblowing.

Your lawyers can pursue this while your administrative filing preserves claims and (if appropriate) a sealed FCA filing proceeds separately.

7) Therapy notes and MS disclosure: don't volunteer; strategize

- Therapy records are not automatically open season, but if you claim significant emotional distress damages, the firm may try to reach them. Counsel can often limit exposure by tailoring damages.
- Disclosing MS is a strategic decision. If you don't need accommodations, you may not want to disclose until counsel sets the posture; if you do need accommodations, disclosure may be necessary—but do it in a controlled, lawyer-guided way.

Bottom line

Within the next two weeks (not 27 days), you should (1) preserve the employment/benefits claim, (2) stabilize the “access” issue by stopping all further review and documenting the IT error through counsel, and (3) let specialized qui tam counsel decide quickly whether a sealed FCA filing is warranted and how to do it without tainting evidence. This maximizes leverage while minimizing the two biggest dangers: missing the deadline and creating avoidable criminal/ethics exposure.

& p Important caveat (HIGH severity): The output instructs Victoria to 'preserve only what you already legitimately have' and lists specific categories of documents to keep, but this advice is dangerously incomplete and could constitute spoliation of evidence. The guidance fails to mandate a formal litigation hold or to advise that ALL potentially relevant documents—including those the firm might claim are not 'legitimately' hers—must be preserved in their original state. By telling her to curate and keep only a subset, the output implicitly suggests she may delete or destroy other materials, which could be catastrophic in subsequent litigation or a government investigation.

Potential impact: If followed, Victoria could inadvertently destroy evidence (e.g., deleting emails, clearing browser history, discarding notes) that is critical to her defense or to a qui tam action. This could lead to sanctions for spoliation, loss of claims, adverse inferences at trial, and professional discipline. The firm would argue she acted in bad faith by selectively preserving only self-serving documents.

This response has been flagged by adversarial review. Consider consulting a domain expert before acting on this guidance.

BREAKER REPORT

HIGH

CAVEAT

Model: deepseek-chat

Flaw Identified

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Impact Assessment

If followed, Victoria could inadvertently destroy evidence (e.g., deleting emails, clearing browser history, discarding notes) that is critical to her defense or to a qui tam action. This could lead to sanctions for spoliation, loss of claims, adverse inferences at trial, and professional discipline. The firm would argue she acted in bad faith by selectively preserving only self-serving documents.

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