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TESTIMONY OF TATIANA SPOTTISWOODE
HOUSE COMMITTEE ON THE JUDICIARY
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I first met Zia Chishti, the multi-millionaire founder of Invisalign and the founder and CEO of Afiniti, when I was 12 or 13. He was a business associate and friend of my father's. He would take our family out to dinner when he was in town. My father owned Afiniti stock and believed that he and my mother would retire very comfortably from that stock.

When I was in my senior year of college in December 2014, Chishti, who was 43 at the time, invited me on a ski trip. I was 21. I initially declined – but he insisted that he wanted me to meet his nephew, who also studied philosophy, so I agreed. I later learned that the nephew, who never showed up, didn't exist.

The trip was designed to groom me. Chishti told me he had feelings for me and showed me an extravagant lifestyle. I rejected him then, but after he persisted in pursuing me, nine months later I agreed to date him. After spending time together about five times over 10 weeks, I broke off the relationship.

Months later, Chishti encouraged me to join his company. He presented a rosy picture of a great career opportunity. Naively, I believed him. Chishti assured me that he did not expect a sexual relationship.

In April 2016 I signed a contract with Afiniti that included an arbitration agreement with a strong confidentiality clause. I did not know what that meant at the time. I was just excited and relieved to be making \$60,000 a year.

As it turned out, Chishti was not willing to treat me like an employee. Instead over the next 18 months, he oscillated between pressuring me for sex and punishing me. When I rebuffed him, he humiliated me in front of co-workers and then ignored me completely, causing me to fear for my job.

Early in my employment I declined to go to Cuba with Chishti and a friend. He was very angry and refused to speak to or acknowledge me for months. During a work meeting in Dubai, he put his hand inside my pants and grabbed my butt in front of co-workers. No one took any action on my behalf. During that same trip, he turned his attention to another 20-something female employee, also the daughter of someone Chishti called a friend. The next morning she texted him that she felt “violated,” that she had “asked [him] to stop many times...[and] that [he] knew how drunk [she] was.” Afiniti executives and Chishti arranged for her to fly home early and later paid her a secret settlement – and the company did nothing to protect other Afiniti women, including me.

Chishti orchestrated evening social gatherings for his employees in far-flung locations, where heavy drinking was the norm. I never saw any company sexual harassment policy or training. When I asked the head of my office what I should do, he suggested I avoid Chishti. Chishti made that impossible.

As the CEO of the company, he had power over my life and career, and I was anxious not to insult him or make him mad. I explained that I didn’t want to have sex with him in as many different ways as possible. I said it in person, but I also wrote it in texts and emails. I reminded him in almost every interaction we had. I told him that his demands were causing me extreme stress, including panic attacks, as well as forcing me to look for work elsewhere. He repeatedly got angry with me for rejecting his advances, such as when he requested to buy me expensive clothes. He called me a bitch in front of co-workers when I refused to hold his hand.

In just one email in January 2017 I wrote to Chishti: “three times you have behaved inappropriately and with my explicit non-consent.” I reminded him that I had said to his face: “Zia, this is not consensual. I don’t want this.” I told him “[t]hese experiences were frightening, degrading and embarrassing for me.....I do not trust you when you are drunk and these experiences make me feel scared and apprehensive.”

Instead of changing his behavior toward me, Chishti became more hostile. In writing, he called me petulant; accused me of playing angsty games; and he told me I needed to “fix my behavior.” In the weeks before a performance review with Chishti of my Brazil accounts approached in September 2017, Chishti’s suggestions became more and more violent. I summoned my courage and told Chishti that his sexual demands made me fear that I was going to lose my job and were causing me to have panic attacks. In response, he sent me two pornographic emails describing his rape fantasy, including strangling me while having sex. I was

stunned and horrified and tried to ignore them.

In Brazil, I avoided him as much as I could, but was under increasing pressure from him. I began to worry that in addition to wanting sex, Chishti wanted to hurt me and punish me for rejecting him. After my presentation, I attended dinner with Chishti and colleagues. Later that night, I went to the hotel bathroom and texted him that I was sick and going back to my hotel. Chishti replied that he would meet me there. I said I was vomiting. He said he was on his way. I admitted that I was still at his hotel. I felt completely trapped and hopeless. I was 23 and very far from home. I didn't want to lose my job. I didn't want him to get any angrier. I did not feel that anyone would protect me. I was too tired to argue with him anymore.

I went to his room where he beat me while having sex with me. I told him he was hurting me; he said, "good." He told me he should have had sex with me when we first met when I was thirteen years old. When I left, he said "we should do this more often." I hid in my hotel room until my flight the next day. My body was covered with scratches, cuts and contusions. I had bruises around my neck that looked like I had been strangled, a large bump on my head, a black eye. A nurse at the hospital said I had the symptoms of a concussion.

As soon as my lawyers contacted Afiniti, Chishti initiated an arbitration *against me*. He knew that the secrecy of arbitration would protect him. Nine months later, the day before my deposition, to punish and scare me, he sued my father, who had quit the day I returned from Brazil, in secret arbitration.

In May 2019, the arbitrator in my case ruled that I had been sexually harassed and assaulted by Chishti. Since then, Chishti's lawyers at Morgan Lewis have tried to get me to vacate the arbitration award. In exchange for erasing the arbitrator's ruling, they offered to (1) let me keep the money awarded; (2) drop the claim against my father; and (3) give my father \$1,000,000. They sued my father – and then offered to give him \$1 million if I erased the ruling – probably so Afiniti and Chishti could hide it from his future victims and from potential shareholders if the company goes public.

And it's still not over. My father's arbitration has been on-going for 3 years and has already cost him tens of thousands of dollars in attorneys' fees. The harassment and assault I endured were hard enough on my family, but we still manage the financial and emotional burdens of being sued by my abuser in secret arbitration. Chishti still has power over me. He is still able to frighten me. Forced arbitration is the reason Chishti is able to carry out this on-going campaign of retaliation against

me, my family, and probably other victims. Today as I speak here, I am afraid of the consequences for my family that will arise from my speaking out. I have PTSD. I have nightmares. I used to be a very social person - I no longer am. The person who changed my life forever continues to abuse me because forced arbitration gives him the power to do it in secret.