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Attorneys for Plaintiff MARINA GENOWER

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO
UNLIMITED JURISDICTION

CGC-23-603859

MARINA GENOWER, an individual,

PLAINTIFF,

v.

META PLATFORMS, INC., and DOES 1
through 10, inclusive,

DEFENDANTS.

Case No. _____

**COMPLAINT FOR DAMAGES AND
DEMAND FOR JURY TRIAL**

**FAILURE TO PROVIDE EQUAL PAY IN
VIOLATION OF THE EQUAL PAY ACT
(CAL. LAB. CODE, § 1197.5);
DISCRIMINATION BASED ON SEX (CAL.
GOV. CODE §§ 12940 *et seq.*) – DISPARATE
TREATMENT; DISCRIMINATION BASED
ON SEX (CAL. GOV. CODE §§ 12940 *et seq.*) –
DISPARATE IMPACT; DISCRIMINATION
BASED ON DISABILITY (CAL. GOV. CODE §§
12940 *et seq.*);
FAILURE TO PREVENT DISCRIMINATION
AND HARASSMENT (CAL. GOV. CODE, §
12940, subd. (k)); RETALIATION FOR TAKING
JOB-PROTECTED PARENTAL LEAVE (CAL.
GOV. CODE §§ 12945.2); RETALIATION IN
VIOLATION OF FEHA (CAL. GOV. CODE §§
12940 *et seq.*); HARASSMENT BASED ON SEX
– HOSTILE WORK ENVIRONMENT (CAL.
GOV. CODE, § 12940, subd. (j));
RETALIATION FOR DISCLOSURE OF
UNLAWFUL ACTS (CAL. LAB. CODE,
§ 1102.5, subd. (b)); WRONGFUL
TERMINATION (CONSTRUCTIVE
DISCHARGE) IN VIOLATION OF PUBLIC
POLICY; UNLAWFUL AND UNFAIR
BUSINESS PRACTICES (CAL. BUS. & PROF.
CODE §§ 17200 ET. SEQ.)**

1 Plaintiff GENOWER (“Plaintiff” or “Ms. Genower”) alleges the following:

2 **NATURE OF THE ACTION**

3 1. Plaintiff Marina Genower brings this civil rights action against her former
4 employer, Meta Platforms, Inc. (“Meta” or “the Company”) (together with Does 1 through 10,
5 “Defendants”). Meta subjected Ms. Genower, a highly-qualified female business development
6 professional, to sex-based discrimination and harassment throughout her tenure at the
7 Company—from consistently under-leveling and under-compensating her compared to similarly
8 or less qualified male colleagues, to subjecting her to sex-based harassment by her supervisor to
9 declining to promote her in favor of a male colleague after she took maternity leave—and then
10 retaliated against her after she raised concerns about the same. Meta’s actions constitute failure
11 to provide equal pay based upon sex in violation of the California Equal Pay Act, unlawful
12 discrimination, harassment, and retaliation in violation of the California Fair Employment and
13 Housing Act, retaliation in violation of California Labor Code Section 1102.5, wrongful
14 termination in violation of statutory and common law, and unlawful and unfair business practices
15 in violation of California Business and Professions Code Section 17200. Ms. Genower is
16 informed and thereupon believes that Meta engaged in widespread, systemic violations of
17 California’s Equal Pay Act based upon gender, and intends to amend this complaint at a later
18 date to allege a claim under the California Private Attorneys’ General Act on behalf of the State
19 of California and all aggrieved employees.

20 **PARTIES**

21 2. Plaintiff Marina Genower is an individual and, at all times relevant herein, was a
22 resident of the County of Alameda, California. At all times relevant herein, Plaintiff was an
23 employee of Meta Platforms, Inc. within the meaning of California Government Code sections
24 12926 and 12940, and all other relevant statutes, and was entitled to the protections of the
25 California Labor Code. For most of her employment at Meta Platforms, Inc., Ms. Genower was
26 assigned to the employer’s San Francisco, California office.

27 3. Defendant Meta Platforms, Inc. is a Delaware corporation licensed to do business
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1 in California. At all times relevant herein, on information and belief, Meta operated an office
2 located in the City and County of San Francisco, California, where Plaintiff was employed from
3 early 2020 onward. At all times relevant herein, Meta regularly employed five or more persons
4 and was Plaintiff's employer within the meaning of California Government Code sections 12926
5 and 12940, and all other relevant statutes.

6 4. Plaintiff is ignorant of the true names or capacities of the Defendants sued here
7 under the fictitious names Does 1 through 10, inclusive (the "Doe Defendants"). Plaintiff is
8 informed and believes, and thereon alleges, that each of the Doe Defendants was responsible in
9 some manner for the occurrences and injuries alleged herein. Plaintiff is further informed and
10 believes, and thereon alleges, that, at all times relevant herein, each of the Doe Defendants
11 regularly employed five or more persons and was Plaintiff's employer within the meaning of
12 California Government Code sections 12926 and 12940 and all other relevant statutes. In the
13 alternative, Plaintiff is informed and believed, and thereon alleges, that, each of the Doe
14 Defendants was an employee of an entity subject to California Government Code section 12940,
15 subdivision (j), and was therefore personally liable for any harassment he or she perpetrated in
16 violation of that subsection pursuant to California Government Code section 12940, subdivision
17 (j)(3).

18 5. Plaintiff is informed and believes, and thereon alleges, that, at all times relevant
19 herein, Defendants were acting on their own behalf and as agents or employees of each of the
20 other Defendants. The acts described herein were done in the course and scope of such agency
21 or employment with the consent, permission, and authorization of each of the other Defendants,
22 as well as on each Defendants' own behalf.

23 JURISDICTION AND VENUE

24 6. This Court has subject matter jurisdiction over this action. This Court has
25 personal jurisdiction over Defendants Meta Platforms, Inc. and Does. Defendants Meta
26 Platforms, Inc. and Does purposefully availed themselves of the benefits and protection of
27 California law; Plaintiff Genower's claims in this complaint arise out of and relate to

Defendants’ activities in and contacts with California alleged herein; and the Court’s exercise of personal jurisdiction over Defendants would not be unfair or unreasonable. Additionally, in November 2018, Defendant Meta Platforms, Inc. publicly announced its policy not to compel arbitration in employment disputes involving certain kinds of discrimination (namely, harassment based on sex, which is alleged here). Accordingly, the Court may exercise specific jurisdiction over Defendants Meta Platforms, Inc. and Does.

7. Venue is proper in this county pursuant to California Code of Civil Procedure sections 395 and 395.5 because a substantial part of the events and omissions giving rise to the claims alleged herein occurred in the County of San Francisco. Venue is also proper in this county pursuant to California Government Code section 12965 because the unlawful employment practices alleged herein were committed in the County of San Francisco and the records relevant to those practices are maintained and administered in the County of San Francisco.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

8. On January 7, 2022, within three years of the date of many of the unlawful employment practices committed by Defendants, and each of them, Plaintiff filed a charge of discrimination and retaliation with the then-California Department of Fair Employment and Housing (“DFEH”). A copy of this charge is attached hereto as **Exhibit A** and incorporated by reference as though fully set forth herein.

9. On January 7, 2022, the DFEH issued to Plaintiff a notice of right to bring a civil action against Defendants based on the charges described herein. A copy of Plaintiff’s notice of his Right To Sue is attached hereto as **Exhibit B** and incorporated by reference as though fully set forth herein.

10. On January 6, 2023, within three years of the date of additional unlawful employment practices, including Ms. Genower May 20, 2022 constructive termination, committed by Defendants after Ms. Genower filed her initial charge with the California Department of Fair Employment and Housing (“DFEH”), Ms. Genower filed an amended charge

1 with the California Civil Rights Department (“CRD”). A copy of this charge is attached hereto as
2 **Exhibit C** and incorporated by reference as though fully set forth herein.

3 11. On January 6, 2023, the CRD issued to Plaintiff a notice of right to bring a civil
4 action against Defendants based on the charges described herein. A copy of Plaintiff’s notice of
5 his Right To Sue is attached hereto as **Exhibit D** and incorporated by reference as though fully
6 set forth herein.

7 **FACTUAL ALLEGATIONS**

8 12. Ms. Genower is a highly accomplished female business development
9 professional. She holds a Bachelor of Science in Business Administration from U.C. Berkeley’s
10 Haas School of Business and a Master of Business Administration from the New York
11 University’s Stern School of Business. When she was hired by Meta in January 2019, she had
12 over 15 years of relevant experience in media and technology, including at the Director-level, as
13 well as a competing offer.

14 13. Despite her educational and professional achievements, she was under-leveled
15 throughout her tenure at Meta, from her hire date through her termination. Meta hired her as a
16 Senior Business Development Lead for its Business Development Organization. She was hired
17 at an Individual Contributor (“IC”) 6 level for its Business Development Organization. She is
18 aware of men with comparable or inferior qualifications and substantially similar job
19 responsibilities hired at an IC7 level or higher, and concomitantly, paid more than her for the
20 same work. She is also aware of men with inferior qualifications and substantially fewer years of
21 experience who were hired at an IC6 level.

22 14. Upon information and belief, Meta has a widespread practice of underleveling and
23 underpaying women compared to similarly situated men. Theoretically, all individuals with the
24 same qualifications and performance who perform the same or substantially similar job roles
25 should be assigned the same job level. Upon information and belief, however, for women, job
26 level is not always reflective of their qualifications or ability to perform job related duties.
27 Instead, Meta’s recruiters, hiring managers, and team leaders systemically recruit or hire women
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1 into lower job levels than their male counterparts, setting them at a permanent disadvantage.
2 Upon information and belief, Meta also consistently promotes women more slowly than
3 similarly situated men while giving larger discretionary equity grants to male employees. As a
4 result, women begin and end their career at Meta with less compensation and diminished
5 prospects for promotion and future pay compared to similarly situated men.

6 15. Although she was subjected to unlawful discrimination from the outset of her
7 tenure at Meta, Ms. Genower was a good performer who consistently met her role's "objectives
8 and key responsibilities" ("OKRs").

9 16. When she was hired, she earned a base salary of \$200,000, was eligible for a
10 target bonus award of 20% of her salary, and given an initial grant of 1,021 units of equity set to
11 vest over four years. On the date of the grant, this initial grant was worth over \$1.1 million. She
12 was hired into Meta's Menlo Park location but given a transfer to the San Francisco office in or
13 around early 2020.

14 **I. Meta Discriminated Against and Harassed Ms. Genower Based on Her Gender by**
15 **Under-leveling and Paying Her Less than Her Male Counterparts**

16 17. Upon information and belief, Meta has paid Ms. Genower significantly less than
17 similarly situated male employees at the Company throughout her employment, despite Ms.
18 Genower performing the same job functions and having equal or better qualifications. Meta hired
19 her as an IC6 level although her background and experience was commensurate to at least an IC7
20 level.

21 18. Ms. Genower was surprised to later learn that Meta had hired similarly or less
22 qualified men at an IC7 level, which pays considerably more than an IC6 level in salary, bonus,
23 and equity compensation. For instance, Jitin Khurana, who possesses similar educational
24 credentials and experience as Ms. Genower, was hired as an IC7 level onto my team in January
25 2020. As will be discussed in greater detail below, we performed substantially similar work.
26 Additionally, at least two male colleagues in Meta's business development division – Alex
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Boesenberg and Idan Afek – were hired at an IC7 level even though both lacked an MBA, which Ms. Genower possessed. These examples are illustrative, not exhaustive.

19. Ms. Genower believes that her experience, as well as her observations of Meta’s similar treatment of many other female employees, particularly within the Business Development organization, evidence a systemic practice of underpaying and under-leveling female employees compared with their male counterparts. Meta’s recruiting, hiring and pay practices with respect to Ms. Genower and similarly situated women violate federal anti-discrimination and equal pay laws.

II. Meta Discriminatorily Denied Ms. Genower a Promotion

20. On or around January 27, 2020, Ms. Genower informed her manager, Michael Cohen, that she was pregnant with a due date in July 2020. In February 2020, she requested and received reasonable accommodations for a pregnancy-related disability, including work from home and flexibility in her schedule in order to attend medical appointments. She went on maternity leave in June 2020. Mr. Cohen was aware of both her pregnancy-related disability accommodations and upcoming maternity leave.

21. From January through June 2020, Ms. Genower’s male counterpart Mr. Khurana (whom Meta hired a year later than her) and Ms. Genower performed the same tasks at the same level of responsibility, and split deals between themselves. If anything, she engaged in more sophisticated negotiations during that time. As a testament to the similarity of their work, in early June 2020, Mr. Cohen asked to change Ms. Genower’s title to “Business Development Manager, Ads & Business,” to ensure that Mr. Khurana and Ms. Genower had the same title. Nevertheless, *during her maternity leave*, Meta and Mr. Cohen promoted Mr. Khurana to Head of Business Development, Ads & Commerce. At the time of his promotion in Summer 2020, Mr. Khurana had only been employed at Meta for approximately 4 months and never even received a

1 performance review, let alone the two that Mr. Cohen later claimed were required for a
2 promotion.¹ Ms. Genower was never provided notice of the open position within her team or
3 given the opportunity to apply for the promotion, let alone meaningfully considered for the
4 position.

5 22. Mr. Cohen, the decisionmaker, has repeatedly evinced gender bias against and
6 engaged in gender-based harassment of women employees at Meta. He engaged in gender-based
7 harassment through microaggressions against Ms. Genower by making remarks that her
8 negotiation strategy was not “assertive enough.” He commented that an African American
9 woman working on a transaction with Meta “seem[ed] not very smart, competent, or qualified”
10 and asked Ms. Genower to bypass her in a discussion involving her role by arranging a meeting
11 for him with her Caucasian male supervisor. On another occasion, Mr. Cohen openly admitted
12 that he had stereotyped a female employee on his team by commenting that her presentation to
13 the team was not assertive enough.
14

15 23. There was a “boys’ club” environment on Mr. Cohen’s team and within the
16 broader Business Development organization. For example, the team’s mandatory group offsite in
17 September 2019 was to attend a laser gun shooting event at a laser tag venue, which
18 demonstrated aggressive behavior among the team members. Mr. Cohen’s team is not gender-
19 balanced and is comprised of 75% males. Moreover, the team’s internal chat channel is routinely
20 used for male-centric jokes, including such comments as “the wife is always right.” These
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25 ¹ In April 2021, when she inquired about upward mobility, Mr. Cohen informed Ms. Genower
26 that Meta employees could not receive level promotions without two consecutive “exceeds
27 expectations” performance reviews. Upon information and belief, there was no way that Mr.
28 Khurana could have satisfied this criterion, where two review cycles had not even elapsed
between his hire and promotion dates in 2020.

1 circumstances, taken together, strongly suggest that Meta and Mr. Cohen failed to promote Ms.
2 Genower based on sex and/or pregnancy-related disability accommodations.

3 **III. Meta Retaliated Against Ms. Genower for Taking Job-Protected Parental Leave**
4 **and for Opposing Unlawful Discrimination**

5 24. Ms. Genower returned to work from maternity leave in late December 2020. In
6 early January 2021, Mr. Cohen informed her that Mr. Khurana had been promoted and that she
7 was now reporting to him. On January 7, 2021, she reached out to Meta human resources staff
8 member Sheryl Weaver to express her concerns about gender and pregnancy discrimination with
9 respect to Mr. Khurana's promotion. On March 3, 2021, Ms. Genower followed up on her earlier
10 complaint in writing, protesting discrimination in the promotion decision, and requested
11 responses to the following concerns:
12

13 [W]hy I wasn't included in the consideration for the promotion from IC to M
14 when the opening became available? Why I wasn't given a chance to apply and
15 interview for this role? My experience was no worse than of the person selected,
16 and the other person had only been working at Facebook for 4-5 months and
17 hadn't yet had a performance review. . . . The timing of this decision was
18 while I was pregnant, going on maternity leave, and very shortly after my medical
19 disability accommodation was approved by Facebook accommodations@ in Feb
20 2020. My concern is that my medical disability accommodation played a factor in
21 this decision, and I am hoping you please can find out."

22 25. In the same correspondence, she raised concerns about discrimination with
23 respect to her leveling and pay at hire. Although the Company investigated her complaint, it
24 never explained why she was not considered for the promotion or given the opportunity to apply.

25 26. Instead, employee relations staff directed her to have a conversation about upward
26 mobility with Mr. Cohen. In that conversation, in early April 2021, Mr. Cohen was visibly angry.
27 Mr. Cohen's sole feedback to her was that she was not promoted because her negotiation style
28 was not "assertive enough" based on her performance in one transaction with Comcast, and that

1 two “exceeds expectations” ratings were required before a Meta employee would be considered
2 for promotion.

3 27. The first rationale evinces a gender-based stereotype, and the second is
4 demonstrably false given that Mr. Khurana was promoted to a management position before he
5 could even receive two performance reviews at Meta. During the meeting, Ms. Genower
6 explicitly protested Mr. Cohen’s gender-based feedback and stated that her negotiation style
7 reflected gender and cultural differences, and that her work on the project had been effective. Mr.
8 Cohen also informed her that all subsequent conversations regarding career development should
9 be directed to Mr. Khurana and that she should no longer meet with him. In contrast, Mr. Cohen
10 continued to meet with male members of the team, including those who do not report directly to
11 him, to support their career development.
12

13 28. Not long after the feedback conversation wherein Ms. Genower pushed back on
14 gender bias, in April 2021, Mr. Cohen reached out to his subordinate Mr. Khurana to share his
15 perceptions of her performance. Mr. Cohen stated that Ms. Genower needed to “improve her
16 performance to meet expectations before trying to exceed expectations,” and highlighted his
17 perception of areas where she needed to improve. However, in August 2020, Mr. Cohen had
18 rated Ms. Genower as “Meets All Expectations,” so he had no grounds for this feedback.
19 Moreover, Ms. Genower performed well and exceeded her OKRs in 2021. For instance, she
20 successfully closed additional deals beyond the goal, including a significant deal in April 2021.
21

22 29. Between May and July 2021, Ms. Genower took the remainder of her parental
23 leave. Upon her return, in August 2021, Mr. Khurana, acting as Mr. Cohen’s cat’s paw,
24 retaliatorily gave her a “Meets Most Expectations” – a sub-par review – even though Company
25 policy is to provide employees returning from leave a neutral “Leave of Absence” rating. Mr.
26 Khurana justified the review based on purported negative feedback regarding Ms. Genower’s
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1 work on a specific deal that she worked on with a male colleague, Devin Marsh. Even though
2 Mr. Marsh and Ms. Genower collaborated on all facets of the deal, her performance rating was
3 docked, but her male colleague's was not similarly impacted. As a result of this unlawful
4 performance rating, Ms. Genower received a significantly lower bonus than she would have
5 otherwise while her male colleague's bonus was not impacted.

6 30. On or around August 2, 2021, Ms. Genower reported her concerns about gender
7 discrimination with respect to her performance review to Meta's employee relations staff, first
8 verbally and then in writing. She stated that:

9
10 [S]ex discrimination (and retaliation) has continued in a new instance. I received
11 feedback from my former manager (right after he learned of the complaint) that showed
12 gender bias (and was also related to racial bias). I then received feedback in my latest
13 PSC for H1 2021, immediately after returning from Maternity Leave, that was both
14 inaccurate and unfairly applied between me and a male colleague at calibration. This had
15 a negative impact on my reputation at Meta. I had objectively exceeded all expectations -
16 as an example, by closing 3 rather than my goal of 1 complex TV deals in just 4 months
17 out of 6 months. However, the PSC feedback I received was evidence of unfair and
18 discriminatory treatment.

19 31. Meta failed to adequately investigate her complaints or take any corrective
20 measures. Then, on August 12, 2021, Meta abruptly informed her that it was forcibly transferring
21 her the following day from the San Francisco Office to the Menlo Park Office. On September 1,
22 2021, she applied for an internal job transfer, which Meta retaliatorily denied on October 7, 2021
23 despite her qualifications for the position. Per Company policy, Mr. Khurana and Ms. Weaver
24 were automatically informed of and copied on her application submission for this role. Given
25 Mr. Khurana's and Ms. Weaver's likely influence on the hiring manager, this rejection
26 constitutes ongoing gender discrimination and retaliation for Ms. Genower's opposition to
27 unlawful discrimination.

28 32. Meta further retaliated against Ms. Genower by imposing additional work
responsibilities upon her. On September 16, 2021, Mr. Khurana informed her that she would be

1 responsible for the role of Strategic Partner Manager (SPM) for her team in addition to her
2 Business Development Manager responsibilities. She was not offered any additional
3 compensation for these additional responsibilities.

4 33. Then, on or around March 9, 2022, Mr. Khurana subjected Ms. Genower to yet
5 another retaliatory performance evaluation, which, in turn, negatively impacted her bonus
6 compensation and promotion prospects. Mr. Khurana gave Ms. Genower a “Meets all
7 Expectations” rating for the second half of 2021 and failed to discuss any pathway to promotion,
8 all while disregarding overwhelmingly positive peer feedback for Ms. Genower and her tangible
9 accomplishments. On April 7, 2022, Ms. Genower reported her concerns about ongoing gender
10 discrimination and retaliation stemming from this unwarranted mediocre review to Meta Human
11 Resources staff member Nadiyah Romney. Meta failed to take any meaningful corrective action
12 in response to Ms. Genower’s additional complaint.
13

14 34. Meta’s unwarranted poor performance review of Ms. Genower, concomitantly
15 reduced bonus, and forced transfer constituted unlawful retaliation against her for taking parental
16 leave and opposing unlawful discrimination.
17

18 35. On May 16, 2022, as a result of Meta’s ongoing discriminatory and retaliatory
19 actions and the concomitant career damage and extreme emotional distress, Ms. Genower was
20 left with no choice but to resign from her position with Meta. Her last day of employment with
21 Meta was May 20, 2022. Due to Meta’s conduct, Plaintiff has and continues to suffer significant
22 emotional distress, in addition to economic damages.
23

24 36. Meta faces significant liability for, among other things, widespread gender-based
25 pay inequities, and gender and pregnancy-related disability-based discrimination and retaliation
26 under California law.
27

FIRST CAUSE OF ACTION
FAILURE TO PROVIDE EQUAL PAY BASED UPON SEX IN VIOLATION OF
THE EQUAL PAY ACT (CAL. LAB. CODE, § 1197.5)
(Against All Defendants)

37. Plaintiff incorporates the preceding paragraphs as alleged above.

38. At all times alleged herein, California Labor Code § 1197.5 was in full effect and binding on all Defendants.

39. Pursuant to California Labor Code § 1197.5, Plaintiff had a legal right to be compensated equally as her similarly situated male coworkers for performing substantially similar work, with the same or substantially similar skill, effort and responsibility under similar working conditions.

40. Defendants violated the provisions of California Labor Code § 1197.5 when Defendants failed provide equal compensation to Plaintiff as her similarly situated male coworkers for performing substantially similar work, with the same or substantially similar skill, effort and responsibility under similar working conditions.

41. As a direct and proximate result of Defendants' unlawful conduct, Plaintiff suffered and will continue to suffer economic and non-economic compensatory damages for which Defendant is liable, including but not limited to pain and suffering, and the loss of past and future salary, wages, benefits, or other privileges and conditions of employment in an amount to be proven at trial.

42. As a result of Defendants' unlawful acts, Plaintiff is entitled to compensatory damages, equitable relief, liquidated damages, attorneys' fees, and costs.

43. Defendants committed the acts herein alleged maliciously, fraudulently, and oppressively in conscious disregard for Plaintiff's rights, and Plaintiff is entitled to recover punitive damages from Defendants in an amount according to proof. The unlawful conduct alleged above was engaged in and/or ratified by the officers, directors, supervisors and/or managing agents of Defendants and each of them, who were acting at all times relevant to this

Complaint within the scope and course of their employment. Pursuant to California Civil Code § 3294, Defendants are liable for punitive damages.

SECOND CAUSE OF ACTION
DISCRIMINATION BASED ON SEX—DISPARATE TREATMENT
(FEHA - CAL. GOV. CODE, § 12940, subd. (a))
(Against All Defendants)

44. Plaintiff incorporates the preceding paragraphs as alleged above.

45. At all times relevant herein, California Government Code section 12940, subdivision (a), was in full effect and binding on Defendant Meta Platforms, Inc. and the Doe Defendants.

46. Plaintiff is informed and believes, and thereon alleges, that, at all times alleged herein, Defendant Meta Platforms, Inc. and the Doe Defendants regularly employed five or more persons and were therefore employers within the meaning of California Government Code sections 12926 and 12940.

47. At all times relevant herein, Plaintiff was a female employee. Pursuant to California Government Code section 12940, subdivision (a), Plaintiff had a legal right to be free from discrimination in employment based upon her sex.

48. Plaintiff is informed and believes, and thereon alleges, that Defendant Meta Platforms, Inc. and the Doe Defendants violated California Government Code section 12940, subdivision (a), by discriminating against Plaintiff on the basis of her sex as set forth herein.

49. The unlawful conduct of Defendant Meta Platforms, Inc. and the Doe Defendants as alleged herein directly and proximately caused Plaintiff to suffer, and continue to suffer, special damages including, but not limited to, past and future loss of income and benefits, and other damages to be proven at the time of trial. As alleged herein, Defendant Meta Platforms, Inc. and the Doe Defendants ratified the unlawful conduct of their employees and are therefore liable for their conduct.

50. The unlawful conduct of Defendant Meta Platforms, Inc. and the Doe Defendants as alleged herein directly and proximately caused Plaintiff to suffer, and continue to suffer,

1 general damages including, but not limited to, shock, embarrassment, humiliation, emotional
2 distress, stress, depression, anxiety, fear, uncertainty, loss of confidence, and other damages to be
3 proven at trial. As alleged herein, Defendant Meta Platforms, Inc. and the Doe Defendants
4 ratified the unlawful conduct of their employees and are therefore liable for their conduct.

5 51. Defendant Meta Platforms, Inc. and the Doe Defendants committed the acts
6 alleged herein maliciously, fraudulently, and oppressively in conscious disregard for Plaintiff's
7 rights, and Plaintiff is entitled to recover punitive damages from Defendant Meta Platforms, Inc.
8 and the Doe Defendants in an amount according to proof. The unlawful conduct alleged herein
9 was engaged in and/or ratified by the officers, directors, supervisors and/or managing agents of
10 Defendant Meta Platforms, Inc. and the Doe Defendants, and each of them, who were acting at
11 all times relevant herein within the scope and course of their employment and as agents of each
12 other. Pursuant to California Civil Code section, Defendant Meta Platforms, Inc. and the Doe
13 Defendants are liable for punitive damages.

14 52. As a result of the conduct of Defendant Meta Platforms, Inc. and the Doe
15 Defendants, and each of them, Plaintiff was forced to retain counsel to protect her rights.
16 Accordingly, Plaintiff seeks the reasonable attorneys' fees and costs incurred in this litigation in
17 an amount according to proof at trial pursuant to California Government Code section 12965,
18 subdivision (c).

19 **THIRD CAUSE OF ACTION**
20 **DISCRIMINATION BASED ON SEX—DISPARATE IMPACT**
21 **(FEHA - CAL. GOV. CODE, § 12940, subd. (a))**
22 **(Against All Defendants)**

23 53. Plaintiff incorporates the preceding paragraphs as alleged above.

24 54. At all times relevant herein, Plaintiff was a female employee protected from
25 discrimination in employment on the basis of her sex.

26 55. At all times relevant herein, Defendants had a practice of providing compensation
27 (including base salary, bonuses, stock grants) and other employment benefits, measuring
28

performance and promoting employees that had a disproportionate adverse effect on female employees, including Plaintiff.

56. As a direct and proximate result of Defendants' unlawful conduct, Plaintiff has sustained, and will continue to sustain, economic and emotional injuries, resulting in damages in an amount to be proven at trial.

57. Defendant's unlawful actions were intentional, willful, malicious, and/or done with reckless disregard to Plaintiff's right to be free from discrimination based on sex.

58. Plaintiff is entitled to her reasonable attorneys' fees and costs of suit.

FOURTH CAUSE OF ACTION
DISCRIMINATION BASED ON DISABILITY
(FEHA - CAL. GOV. CODE, § 12940, subd. (a))
(Against All Defendants)

59. Plaintiff incorporates the preceding paragraphs as alleged above.

60. At all times relevant herein, Plaintiff was an employee protected from discrimination in employment on the basis of her pregnancy-related disability.

61. It is an unlawful employment practice for an employer to discriminate against an employee, including discrimination in the terms and conditions of employment, based on her disability, pregnancy-related or otherwise.

62. Plaintiff is informed and believes and thereon alleges at she was discriminated against in the terms and conditions of her employment, as outlined above, on the basis of her disability in violation of FEHA.

63. Defendants unlawfully discriminated against Plaintiff because of her disability with respect to the terms, conditions, and privileges of her employment, including but not limited to failing to provide equal compensation and benefits as male coworkers; refusing to promote; and constructively discharging from employment; and otherwise changing the terms and conditions of her employment in violation of FEHA.

64. As a direct and proximate result of Defendants' unlawful conduct, Plaintiff

suffered and will continue to suffer economic and non-economic compensatory damages for which Defendants are liable, including but not limited to pain and suffering, and the loss of past and future salary, wages, benefits, or other privileges and conditions of employment in an amount to be proven at trial.

65. As a result of Defendants' unlawful acts, Plaintiff is entitled to compensatory damages, equitable relief, attorneys' fees, and costs.

66. Defendants committed the acts herein alleged maliciously, fraudulently, and oppressively in conscious disregard for Plaintiff's rights, and Plaintiff is entitled to recover punitive damages from in an amount according to proof. The unlawful conduct alleged above was engaged in and/or ratified by the officers, directors, supervisors and/or managing agents of Defendants and each of them, who were acting at all times relevant to this Complaint within the scope and course of their employment. Pursuant to California Civil Code § 3294, Defendants are liable for punitive damages.

FIFTH CAUSE OF ACTION
FAILURE TO PREVENT DISCRIMINATION AND HARASSMENT
(FEHA - CAL. GOV. CODE, § 12940, subd. (k))
(Against All Defendants)

67. Plaintiff incorporates the preceding paragraphs as alleged above.

68. At all times alleged herein, California Government Code section 12940, subdivision (k), was in full effect and binding on Defendant Meta Platforms, Inc. and the Doe Defendants.

69. Pursuant to California Government Code section 12940, subdivision (k), Defendant Meta Platforms, Inc. and the Doe Defendants were required to take all reasonable steps necessary to prevent discrimination and harassment of and retaliation against Plaintiff.

70. Plaintiff is informed and believes, and thereon alleges, that Defendant Meta Platforms, Inc. and the Doe Defendants failed to take all reasonable steps necessary to prevent discrimination and harassment of and retaliation against Plaintiff.

71. The unlawful conduct of Defendant Meta Platforms, Inc. and the Doe Defendants

1 as alleged herein directly and proximately caused Plaintiff to suffer, and continue to suffer,
2 special damages including, but not limited to, past and future loss of income and benefits, and
3 other damages to be proven at the time of trial. As alleged herein, Defendant Meta Platforms,
4 Inc. and the Doe Defendants ratified the unlawful conduct of their employees and are therefore
5 liable for their conduct.

6 72. The unlawful conduct of Defendant Meta Platforms, Inc. and the Doe Defendants
7 as alleged herein directly and proximately caused Plaintiff to suffer, and continue to suffer,
8 general damages including, but not limited to, shock, embarrassment, humiliation, emotional
9 distress, stress, depression, anxiety, fear, uncertainty, loss of confidence, and other damages to be
10 proven at trial. As alleged herein, Defendant Meta Platforms, Inc. and the Doe Defendants
11 ratified the unlawful conduct of their employees and are therefore liable for their conduct.

12 73. Defendant Meta Platforms, Inc. and the Doe Defendants committed the acts
13 alleged herein maliciously, fraudulently, and oppressively in conscious disregard for Plaintiff's
14 rights, and Plaintiff is entitled to recover punitive damages from Defendant Meta Platforms, Inc.
15 and the Doe Defendants in an amount according to proof. The unlawful conduct alleged herein
16 was engaged in and/or ratified by the officers, directors, supervisors and/or managing agents of
17 Defendant Meta Platforms, Inc. and the Doe Defendants, and each of them, who were acting at
18 all times relevant herein within the scope and course of their employment and as agents of each
19 other. Pursuant to California Civil Code section 3294, Defendant Meta Platforms, Inc. and the
20 Doe Defendants are liable for punitive damages.

21 74. As a result of the conduct of Defendant Meta Platforms, Inc. and the Doe
22 Defendants, and each of them, Plaintiff was forced to retain counsel to protect her rights.
23 Accordingly, Plaintiff seeks the reasonable attorneys' fees and costs incurred in this litigation in
24 an amount according to proof at trial pursuant to California Government Code section 12965,
25 subdivision (c).

SIXTH CAUSE OF ACTION
Retaliation in Violation of CFRA
(Cal. Gov. Code § 12945.2)
(Against All Defendants)

75. Plaintiff incorporates the preceding paragraphs as alleged above.

76. At all times alleged herein, California Government Code § 12945.2 was in full effect and binding on all Defendants.

77. Pursuant to California Government Code § 12945.2, Plaintiff had a legal right to take job-protected parental leave, without retaliation from Defendants.

78. As a result of Plaintiff's taking job-protected parental leave, Plaintiff was retaliated against by Defendants, who, among other acts, failed to promote her.

79. As a direct and proximate result of Defendant's unlawful conduct, Plaintiff suffered and will continue to suffer economic and non-economic compensatory damages for which Defendant is liable, including but not limited to pain and suffering, and the loss of past and future salary, wages, benefits, or other privileges and conditions of employment in an amount to be proven at arbitration.

80. As a result of Defendant's unlawful acts, Plaintiff is entitled to compensatory damages, equitable relief, attorneys' fees, and costs.

81. Defendant committed the acts herein alleged maliciously, fraudulently, and oppressively in conscious disregard for Plaintiff's rights, and Plaintiff is entitled to recover punitive damages from Defendant in an amount according to proof. The unlawful conduct alleged above was engaged in and/or ratified by the officers, directors, supervisors and/or managing agents of Defendant and each of them, who were acting at all times relevant to this Complaint within the scope and course of their employment. Pursuant to California Civil Code § 3294, Defendant is liable for punitive damages.

SEVENTH CAUSE OF ACTION
RETALIATION IN VIOLATION OF FEHA
(FEHA - CAL. GOV. CODE, § 12940, subd. (h))
(Against Defendant Meta Platforms, Inc. and Doe Defendants)

82. Plaintiff incorporates the preceding paragraphs as alleged above.

83. At all times relevant herein, California Government Code section 12940, subdivision (h), was in full effect and binding on all Defendants.

84. Pursuant to California Government Code section 12940, subdivision (h), Plaintiff had a legal right to protest harassment, discrimination, and/or retaliation in the workplace without retaliation from Defendants, and Plaintiff did protest what he reasonably believed to be harassment, discrimination, and retaliation in the workplace.

85. In response to Plaintiff's protest and opposition to the unlawful conduct of employees of Defendants, Defendant Meta Platforms, Inc. and the Doe Defendants retaliated against Plaintiff by, among other acts, subjecting Plaintiff to poor performance evaluations, failing to promote her, and constructively terminating her.

86. The unlawful conduct of Defendant Meta Platforms, Inc. and the Doe Defendants as alleged herein directly and proximately caused Plaintiff to suffer, and continue to suffer, special damages including, but not limited to, past and future loss of income and benefits, and other damages to be proven at the time of trial. As alleged herein, Defendant Meta Platforms, Inc. and the Doe Defendants ratified the unlawful conduct of their employees and are therefore liable for their conduct.

87. The unlawful conduct of Defendant Meta Platforms, Inc. and the Doe Defendants as alleged herein directly and proximately caused Plaintiff to suffer, and continue to suffer, general damages including, but not limited to, shock, embarrassment, humiliation, emotional distress, stress, depression, anxiety, fear, uncertainty, loss of confidence, and other damages to be proven at trial. As alleged herein, Defendant Meta Platforms, Inc. and the Doe Defendants ratified the unlawful conduct of their employees and are therefore liable for their conduct.

88. Defendant Meta Platforms, Inc. and the Doe Defendants committed the acts alleged herein maliciously, fraudulently, and oppressively in conscious disregard for Plaintiff's rights, and Plaintiff is entitled to recover punitive damages from Defendants in an amount according to proof. The unlawful conduct alleged herein was engaged in and/or ratified by the officers, directors, supervisors and/or managing agents of Defendant Meta Platforms, Inc. and

1 the Doe Defendants, and each of them, who were acting at all times relevant herein within the
2 scope and course of their employment and as agents of each other. Pursuant to California Civil
3 Code section 3294, Defendant Meta Platforms, Inc. and the Doe Defendants are liable for
4 punitive damages.

5 89. As a result of the conduct of Defendant Meta Platforms, Inc. and the Doe
6 Defendants, and each of them, Plaintiff was forced to retain counsel to protect her rights.
7 Accordingly, Plaintiff seeks the reasonable attorneys' fees and costs incurred in this litigation in
8 an amount according to proof at trial pursuant to California Government Code section 12965,
9 subdivision (c).

10 **EIGHTH CAUSE OF ACTION**
11 **HARASSMENT BASED ON SEX – HOSTILE WORK ENVIRONMENT**
12 **(FEHA - CAL. GOV. CODE, § 12940, subd. (j))**
13 **(Against All Defendants)**

14 90. Plaintiff incorporates the preceding paragraphs as alleged above.

15 91. At all times relevant herein, California Government Code section 12940,
16 subdivision (j), was in full effect and binding on all Defendants.

17 92. Plaintiff is informed and believes, and thereon alleges that, at all times relevant
18 herein, Defendant Meta Platforms, Inc. regularly employed one or more persons and was
19 therefore an employer within the meaning of California Government Code section 12940,
20 subdivision (j)(4)(A).

21 93. Plaintiff is informed and believes, and thereon alleges, that, at all times relevant
22 herein, Michael Cohen and Jitin Khurana were supervisory employees of Meta Platforms, Inc.,
23 which is subject to California Government Code section 12940, subdivision (j), and Defendant
24 Meta Platforms, Inc. liable for the harassment she perpetrated in violation of that subdivision
25 pursuant to California Government Code section 12940, subdivision (j)(3).

26 94. At all times relevant herein, Mr. Cohen and Mr. Khurana were supervisors within
27 the meaning of California Government Code section 12926, subdivision (t).

28 95. Plaintiff is informed and believes, and thereon alleges, that, at all times

relevant herein, each of the Doe Defendants regularly employed one or more persons and was therefore an employer within the meaning of California Government Code section 12940, subdivision (j)(4)(A). In the alternative, Plaintiff is informed and believes, and thereon alleges, that, at all times relevant herein, each of the Doe Defendants was the employee of an entity subject to California Government Code section 12940, subdivision (j), and was therefore personally liable for the harassment perpetrated in violation of that subdivision pursuant to California Government Code section 12940, subdivision (j)(3).

96. At all times relevant herein, Plaintiff was a female employee. Pursuant to California Government Code section 12940, subdivision (j), Plaintiff was protected from harassment in employment on the basis her sex.

97. Defendants subjected Plaintiff to harassing, discriminatory, and retaliatory behavior based upon her sex as alleged herein and/or substantially assisted, encouraged, condoned and failed to remedy the continued harassment toward Plaintiff, creating a hostile work environment, and sanctioned and ratified the unlawful harassing conduct.

98. Defendants knew of the harassing conduct or should have known of the conduct and failed to take immediate, appropriate, and effective corrective action.

99. The harassment to which Defendants subjected Plaintiff on the basis of her sex was severe and/or pervasive, unwanted, without Plaintiff's consent, objected to, and offensive to Plaintiff.

100. The unlawful conduct of Defendants as alleged herein directly and proximately caused Plaintiff to suffer, and continue to suffer, special damages including, but not limited to, past and future loss of income and benefits, and other damages to be proven at the time of trial. As alleged herein, Defendants ratified the unlawful conduct of their employees and are therefore liable for their conduct.

101. The unlawful conduct of Defendants as alleged herein directly and proximately caused Plaintiff to suffer, and continue to suffer, general damages including, but not limited to, shock, embarrassment, humiliation, emotional distress, stress, depression, anxiety, fear,

1 uncertainty, loss of confidence, and other damages to be proven at trial. As alleged herein,
2 Defendants ratified the unlawful conduct of their employees and are therefore liable for their
3 conduct.

4 102. Defendants committed the acts alleged herein maliciously, fraudulently, and
5 oppressively in conscious disregard for Plaintiff's rights, and Plaintiff is entitled to recover
6 punitive damages from Defendants in an amount according to proof. The unlawful conduct
7 alleged herein was engaged in and/or ratified by the officers, directors, supervisors and/or
8 managing agents of Defendants and each of them, who were acting at all times relevant to this
9 Complaint within the scope and course of their employment and as agents of each other.
10 Pursuant to California Civil Code section 3294, Defendants are liable for punitive damages.

11 103. As a result of the conduct of Defendants, and each of them, Plaintiff was forced to
12 retain counsel to protect her rights. Accordingly, Plaintiff seeks the reasonable attorneys' fees
13 and costs incurred in this litigation in an amount according to proof at trial pursuant to California
14 Government Code section 12965, subdivision (c).

15 **NINTH CAUSE OF ACTION**
16 **RETALIATION FOR DISCLOSURE OF UNLAWFUL ACTS**
17 **(Cal. Lab. Code, § 1102.5, subd. (b))**
18 **(Against All Defendants)**

19 104. Plaintiff incorporates the preceding paragraphs as alleged above.

20 105. At all times relevant herein, California Labor Code section 1102.5, subdivision
(b), was in full effect and binding on Defendant Meta Platforms, Inc. and the Doe Defendants.

21 106. Pursuant to California Labor Code 1102.5, subdivision (b), Plaintiff had a legal
22 right to disclose information that she had reasonable cause to believe disclosed unlawful acts to a
23 person with authority over her or another employee who had the authority to investigate,
24 discover, or correct those unlawful acts.

25 107. Plaintiff reported and disclosed reasonably suspected violations of law prohibited
26 by, *inter alia*, California Government Code section 12940 to managers and supervisors employed
27 by Defendant Meta Platforms, Inc. and the Doe Defendants, including but not limited to various
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Human Resources employees at Meta Platforms, Inc.

108. As a result of Plaintiff's reporting and disclosure of unlawful acts, Defendant Meta Platforms, Inc. and the Doe Defendants retaliated against her as alleged herein.

109. The unlawful conduct of Defendant Meta Platforms, Inc. and the Doe Defendants as alleged herein directly and proximately caused Plaintiff to suffer, and continue to suffer, special damages including, but not limited to, past and future loss of income and benefits, and other damages to be proven at the time of trial. As alleged herein, Defendant Meta Platforms, Inc. and the Doe Defendants ratified the unlawful conduct of their employees and are therefore liable for their conduct.

110. The unlawful conduct of Defendant Meta Platforms, Inc. and the Doe Defendants as alleged herein directly and proximately caused Plaintiff to suffer, and continue to suffer, general damages including, but not limited to, shock, embarrassment, humiliation, emotional distress, stress, depression, anxiety, fear, uncertainty, loss of confidence, and other damages to be proven at trial. As alleged herein, Defendant Meta Platforms, Inc. and the Doe Defendants ratified the unlawful conduct of their employees and are therefore liable for their conduct.

111. Defendant Meta Platforms, Inc. and the Doe Defendants committed the acts alleged herein maliciously, fraudulently, and oppressively in conscious disregard for Plaintiff's rights, and Plaintiff is entitled to recover punitive damages from Defendant Meta Platforms, Inc. and the Doe Defendants in an amount according to proof. The unlawful conduct alleged herein was engaged in and/or ratified by the officers, directors, supervisors and/or managing agents of Defendant Meta Platforms, Inc. and the Doe Defendants, and each of them, who were acting at all times relevant herein within the scope and course of their employment and as agents of each other. Pursuant to California Civil Code section 3294, Defendant Meta Platforms, Inc. and the Doe Defendants are liable for punitive damages.

112. As a result of the conduct of Defendant Meta Platforms, Inc. and the Doe Defendants, and each of them, Plaintiff was forced to retain counsel to protect her rights. Accordingly, Plaintiff seeks the reasonable attorneys' fees and costs incurred in this litigation in

an amount according to proof at trial pursuant to California Labor Code section 1102.5, subdivision (j).

TENTH CAUSE OF ACTION
CONSTRUCTIVE DISCHARGE IN VIOLATION OF PUBLIC POLICY
(Against All Defendants)

113. Plaintiff incorporates the preceding paragraphs as alleged above.

114. At all relevant times herein, California Government Code section 12940 was in full force and effect and established that the public policy of the State in California is, in part, to protect the rights of employees to be free from discrimination and harassment on the basis of race and to be free from retaliation for protesting discrimination, harassment, or retaliation or disclosing unlawful acts.

115. At all times relevant herein, Plaintiff was employed by Defendant Meta Platforms, Inc. and the Doe Defendants.

116. Defendant Meta Platforms, Inc. and the Doe Defendants intentionally or knowingly subjected Plaintiff to working conditions that violated public policy, in that she was subjected to discrimination and harassment on the basis of his sex and was retaliated against for protesting discrimination, harassment, and retaliation and disclosing unlawful acts.

117. The well-established public policies at issue in this case include California Government Code section 12940 (prohibiting discrimination and harassment on the basis of sex and retaliation for protesting such discrimination, harassment, and retaliation), California Labor Code 1102.5 (prohibiting retaliation for disclosure of unlawful acts), and other applicable constitutional or statutory rights.

118. Plaintiff was forced to resign from his employment with Defendant Meta Platforms, Inc. and the Doe Defendants because her working conditions were so intolerable that he had no reasonable alternative as alleged herein.

119. The unlawful conduct of Defendant Meta Platforms, Inc. and the Doe Defendants as alleged herein directly and proximately caused Plaintiff to suffer, and continue to suffer, special damages including, but not limited to, past and future loss of income and benefits, and

1 other damages to be proven at the time of trial. As alleged herein, Defendant Meta Platforms,
2 Inc. and the Doe Defendants ratified the unlawful conduct of their employees and are therefore
3 liable for their conduct.

4 120. The unlawful conduct of Defendant Meta Platforms, Inc. and the Doe Defendants
5 as alleged herein directly and proximately caused Plaintiff to suffer, and continue to suffer,
6 general damages including, but not limited to, shock, embarrassment, humiliation, emotional
7 distress, stress, depression, anxiety, fear, uncertainty, loss of confidence, and other damages to be
8 proven at trial. As alleged herein, Defendant Meta Platforms, Inc. and the Doe Defendants
9 ratified the unlawful conduct of their employees and are therefore liable for their conduct.

10 121. Defendant Meta Platforms, Inc. and the Doe Defendants committed the acts
11 alleged herein maliciously, fraudulently, and oppressively in conscious disregard for Plaintiff's
12 rights, and Plaintiff is entitled to recover punitive damages from Defendant Meta Platforms, Inc.
13 and the Doe Defendants in an amount according to proof. The unlawful conduct alleged herein
14 was engaged in and/or ratified by the officers, directors, supervisors and/or managing agents of
15 Defendant Meta Platforms, Inc. and the Doe Defendants, and each of them, who were acting at
16 all times relevant herein within the scope and course of their employment and as agents of each
17 other. Pursuant to California Civil Code section 3294, Defendant Meta Platforms, Inc. and the
18 Doe Defendants are liable for punitive damages.

19
20 **ELEVENTH CAUSE OF ACTION**
21 **UNLAWFUL AND UNFAIR BUSINESS PRACTICES**
22 **(CAL. BUS. & PROF. CODE §§ 17200 ET. SEQ.)**
23 **(Against All Defendants)**

24 122. Plaintiff incorporates the preceding paragraphs as alleged above.

25 123. Defendants' policies and/or practices of discriminating against and paying
26 Plaintiff and other female employees less than male employees for substantially similar work
27 performed and of discriminating against female employees in compensation and the terms,
28 conditions, and privileges of employment on the basis of their sex constitute business practices

1 because Defendants' acts and omissions as alleged herein have been done repeatedly over a
2 significant period of time, and in a systematic manner, to the detriment of Plaintiff.

3 124. Defendants' acts and omissions, as alleged herein, violate the FEHA, Government
4 Code § 12940 *et seq.* and California Equal Pay Act, as amended, Labor Code § 1197 .5 *et seq.*,
5 and therefore constitute unlawful business practices prohibited by Business & Professions Code
6 § 17200 *et seq.*

7 125. Defendants' acts and omissions, as alleged herein, constitute unfair business
8 practices prohibited by Business & Professions Code § 17200 *et seq.* Defendants' business
9 practices of discriminating against Plaintiff and other women employees caused harm to Plaintiff
10 that outweighs any reason Defendants may have had for doing so. Defendants' business
11 practices as alleged herein are also immoral, unethical, oppressive, unscrupulous, and offensive
12 to the established public policies of ensuring women and non-white employees are paid equally
13 to male and/or white individuals for performing substantially similar work, as reflected in the
14 FEHA and California Equal Pay Act, Cal. Labor Code § 1197 .5 *et seq.* As a result of their
15 unlawful and/or unfair business practices during the course of Plaintiff's employment,
16 Defendants reaped unfair and illegal profits at the expense of Plaintiff. Accordingly, Meta
17 Platforms, Inc. should be disgorged of illegal profits, and Plaintiff is entitled to restitution with
18 interest of such ill-gotten profits in an amount according to proof at the time of trial.

19 126. Defendants' unlawful and/or unfair business practices entitle Plaintiff
20 to preliminary and permanent injunctive relief and other equitable relief available under law.

21 **WHEREFORE, PLAINTIFF MARINA GENOWER PRAYS FOR JUDGMENT**
22 **AGAINST ALL DEFENDANTS, AND EACH OF THEM, AS FOLLOWS:**

23 1. For compensatory damages, including lost wages, earnings, retirement benefits,
24 and other employee benefits, according to proof;

25 2. For general, special, and incidental damages and amounts for emotional and
26 physical distress according to proof;

27 3. For punitive damages in an amount to be determined at trial sufficient to punish,
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1 penalize and/or deter Defendants;

2 4. For injunctive relief;

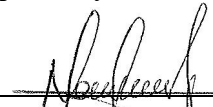
3 5. For pre-judgment interest and post-judgment interest, as provided by law;

4 6. For reasonable attorneys' fees and costs of suit herein incurred; and

5 7. For such other and further relief as the Court deems proper.

6
7 DATED: January 6, 2023

Respectfully submitted,

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11 MENAKA FERNANDO
12 OUTTEN & GOLDEN LLP
13 Attorneys for Plaintiff

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JURY TRIAL DEMANDED

Plaintiff demands trial of all issues by jury.

16 DATED: January 6, 2023

Respectfully submitted,

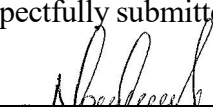
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19 _____
20 MENAKA FERNANDO
21 OUTTEN & GOLDEN LLP
22 Attorneys for Plaintiff

Exhibit A



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

KEVIN KISH, DIRECTOR

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
(800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711
<http://www.dfeh.ca.gov> | Email: contact.center@dfeh.ca.gov

January 7, 2022

Menaka Fernando
1 California St, Ste. 1250
San Francisco, CA 94111

RE: **Notice to Complainant's Attorney**
DFEH Matter Number: 202201-15808807
Right to Sue: Genower / Meta Platforms, Inc. et al.

Dear Menaka Fernando:

Attached is a copy of your complaint of discrimination filed with the Department of Fair Employment and Housing (DFEH) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue.

Pursuant to Government Code section 12962, DFEH will not serve these documents on the employer. You must serve the complaint separately, to all named respondents. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

Be advised that the DFEH does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Department of Fair Employment and Housing

**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
(800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711
<http://www.dfeh.ca.gov> | Email: contact.center@dfeh.ca.gov

January 7, 2022

RE: **Notice of Filing of Discrimination Complaint**
DFEH Matter Number: 202201-15808807
Right to Sue: Genower / Meta Platforms, Inc. et al.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Department of Fair Employment and Housing (DFEH) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

This matter may qualify for DFEH's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in DFEH's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in DFEH's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. You may contact DFEH's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@dfeh.ca.gov and include the DFEH matter number indicated on the Right to Sue notice.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to DFEH is requested or required.

Sincerely,



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

KEVIN KISH, DIRECTOR

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
(800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711
<http://www.dfeh.ca.gov> | Email: contact.center@dfeh.ca.gov

Department of Fair Employment and Housing

**COMPLAINT OF EMPLOYMENT DISCRIMINATION
BEFORE THE STATE OF CALIFORNIA
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING
Under the California Fair Employment and Housing Act
(Gov. Code, § 12900 et seq.)**

In the Matter of the Complaint of

Marina Genower

DFEH No. 202201-15808807

Complainant,

vs.

Meta Platforms, Inc.
1 Hacker Way
Menlo Park, CA 94025

Facebook, Inc.
1 Hacker Way
Menlo Park, CA 94025

Respondents

1. Respondent **Meta Platforms, Inc.** is an **employer** subject to suit under the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

2. Complainant is naming **Facebook, Inc.** business as Co-Respondent(s).

3. Complainant **Marina Genower**, resides in the City of **Oakland**, State of **CA**.

4. Complainant alleges that on or about **January 7, 2022**, respondent took the following adverse actions:

Complainant was harassed because of complainant's sex/gender, disability (physical or mental), family care or medical leave (cfra), pregnancy, childbirth, breast feeding, and/or related medical conditions.

Complainant was discriminated against because of complainant's sex/gender, disability (physical or mental), pregnancy, childbirth, breast feeding, and/or related medical conditions, family care or medical leave (cfra) and as a result of the discrimination was denied hire or promotion, reprimanded, denied equal pay, denied any employment benefit or privilege, denied work opportunities or assignments, denied or forced to transfer.

1 **Complainant experienced retaliation** because complainant reported or resisted any form
2 of discrimination or harassment, requested or used a pregnancy-disability-related
3 accommodation, requested or used a disability-related accommodation, requested or used
4 family care or medical leave (cfra) and as a result was denied hire or promotion,
reprimanded, denied equal pay, denied any employment benefit or privilege, denied work
opportunities or assignments, denied or forced to transfer.

5 **Additional Complaint Details:** Claimant Marina Genower began working for Respondent
6 Meta Platforms, Inc. (formerly "Facebook, Inc.") on or about January 7, 2019. Respondent
7 unlawfully discriminated against Ms. Genower based on her gender by under-leveling her at
8 the time of hire and paying her less than her male colleagues doing the same or
9 substantially similar work throughout her employment. Despite her educational and
10 professional achievements, Respondent hired Ms. Genower at an Individual Contributor
11 ("IC") 6 level for its Business Development Organization. Ms. Genower is aware of men with
12 comparable or inferior qualifications and substantially similar job responsibilities hired at an
13 IC7 level or higher, and concomitantly, paid more than her for the same or substantially
14 similar work. Upon information and belief, Respondent has a widespread practice of under-
15 leveling and underpaying women compared to similarly situated men. Beginning in February
16 2020, Ms. Genower requested reasonable accommodation for a pregnancy related
17 disability, and went out on pregnancy disability and baby bonding leave from June to
December 2020. During and after returning from her job-protected leave, her manager
Michael Cohen failed to promote her to a manager position for which she was qualified and
promoted her male peer Jitin Khurana who had been at the company for approximately 4
months at the time of promotion. Beginning in January 2021, Ms. Genower made repeated
complaints of discrimination and retaliation to her managers, HR, and Employee Relations.
Soon thereafter, Respondent retaliated against her for making protected complaints by,
among other things, issuing her an unwarranted negative performance review, reducing her
bonus, and abruptly transferring her from the San Francisco to the Menlo Park office.
Respondent's conduct violates, inter alia, the Equal Pay Act, the Fair Employment and
Housing Act, the Pregnancy Disability Leave Law, and the California Family Rights Act.

18 This complaint is filed on behalf of Ms. Genower, and all others similarly situated. The
19 complaint is intended to be as broad as possible and exhaust the class administrative
20 process for all class claims relating to female employees at Meta for both disparate
21 treatment and disparate impact claims with respect to hiring, performance evaluations, pay,
22 promotions, position assignments, and other general terms and conditions of employment
23 that are subject to the protections of California's anti-discrimination statutes.
24
25
26

1 VERIFICATION

2 I, **Menaka N. Fernando**, am the **Attorney** in the above-entitled complaint. I have read
3 the foregoing complaint and know the contents thereof. The matters alleged are
4 based on information and belief, which I believe to be true.

5 On January 7, 2022, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

7 **San Francisco, California**
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Exhibit B



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
(800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711
<http://www.dfeh.ca.gov> | Email: contact.center@dfeh.ca.gov

January 7, 2022

Marina Genower
3737 Linwood Avenue
Oakland, CA 94602

RE: **Notice of Case Closure and Right to Sue**
DFEH Matter Number: 202201-15808807
Right to Sue: Genower / Meta Platforms, Inc. et al.

Dear Marina Genower:

This letter informs you that the above-referenced complaint filed with the Department of Fair Employment and Housing (DFEH) has been closed effective January 7, 2022 because an immediate Right to Sue notice was requested.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

This matter may qualify for DFEH's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in DFEH's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in DFEH's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. Contact DFEH's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@dfeh.ca.gov and include the DFEH matter number indicated on the Right to Sue notice.



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

KEVIN KISH, DIRECTOR

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
(800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711
<http://www.dfeh.ca.gov> | Email: contact.center@dfeh.ca.gov

To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this DFEH Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Department of Fair Employment and Housing

Exhibit C



Civil Rights Department

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@dfeh.ca.gov

January 6, 2023

Pawanpreet Dhaliwal
Outten & Golden, LLP, One California, 12th Floor
SAN FRANCISCO, CA 94111

RE: **Notice to Complainant's Attorney**
CRD Matter Number: 202301-19321506
Right to Sue: Genower / Meta Platforms, Inc. et al.

Dear Pawanpreet Dhaliwal:

Attached is a copy of your complaint of discrimination filed with the Civil Rights Department (CRD) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue.

Pursuant to Government Code section 12962, CRD will not serve these documents on the employer. You must serve the complaint separately, to all named respondents. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

Be advised that the CRD does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Civil Rights Department



Civil Rights Department

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January 6, 2023

RE: Notice of Filing of Discrimination Complaint

CRD Matter Number: 202301-19321506

Right to Sue: Genower / Meta Platforms, Inc. et al.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Civil Rights Department (CRD)) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. You may contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@dfeh.ca.gov and include the CRD matter number indicated on the Right to Sue notice.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to CRD is requested or required.

Sincerely,



Civil Rights Department

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Civil Rights Department

**COMPLAINT OF EMPLOYMENT DISCRIMINATION
BEFORE THE STATE OF CALIFORNIA
Civil Rights Department
Under the California Fair Employment and Housing Act
(Gov. Code, § 12900 et seq.)**

In the Matter of the Complaint of

Marina Genower

CRD No. 202301-19321506

Complainant,

vs.

Meta Platforms, Inc.
1 Hacker Way
Menlo Park, CA 94025

Facebook, Inc.
1 Hacker Way
Menlo Park, CA 94025

Respondents

1. Respondent **Meta Platforms, Inc.** is an **employer** subject to suit under the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

2. Complainant is naming **Facebook, Inc.** business as Co-Respondent(s).

3. Complainant **Marina Genower**, resides in the City of **Oakland**, State of **CA**.

4. Complainant alleges that on or about **May 20, 2022**, respondent took the following adverse actions:

Complainant was harassed because of complainant's sex/gender, pregnancy, childbirth, breast feeding, and/or related medical conditions, disability (physical, intellectual/developmental, mental health/psychiatric), family care and medical leave (cfra) related to serious health condition of employee or family member, child bonding, or military exigencies.

Complainant was discriminated against because of complainant's sex/gender, pregnancy, childbirth, breast feeding, and/or related medical conditions, disability (physical, intellectual/developmental, mental health/psychiatric), family care and medical leave (cfra) related to serious health condition of employee or family member, child bonding, or military

exigencies and as a result of the discrimination was terminated, forced to quit, denied hire or promotion, reprimanded, denied equal pay, denied any employment benefit or privilege, denied work opportunities or assignments, denied or forced to transfer.

Complainant experienced retaliation because complainant reported or resisted any form of discrimination or harassment, requested or used a pregnancy-disability-related accommodation, requested or used a disability-related accommodation, requested or used family care and medical leave (cfra) related to serious health condition of employee or family member, child bonding, or military exigencies and as a result was terminated, forced to quit, denied hire or promotion, reprimanded, denied any employment benefit or privilege, denied work opportunities or assignments, denied or forced to transfer.

Additional Complaint Details: Claimant Marina Genower seeks to amend her charge dated January 7, 2022 (DFEH Matter No. 202201-15808807) to account for Respondent Meta Platforms, Inc.'s (formerly "Facebook, Inc.") subsequent unlawful acts, including her unlawful constructive termination on May 20, 2022. Ms. Genower began working for Respondent on or about January 7, 2019. Respondent unlawfully discriminated against Ms. Genower based on her gender by under-leveling her at the time of hire and paying her less than her male colleagues doing the same or substantially similar work throughout her employment. Despite her educational and professional achievements, Respondent hired Ms. Genower at an Individual Contributor ("IC") 6 level for its Business Development Organization. Ms. Genower is aware of men with comparable or inferior qualifications and substantially similar job responsibilities hired at an IC7 level or higher, and concomitantly, paid more than her for the same or substantially similar work. Upon information and belief, Respondent has a widespread practice of under-leveling and underpaying women compared to similarly situated men. Beginning in February 2020, Ms. Genower requested reasonable accommodation for a pregnancy related disability, and went out on pregnancy disability and baby bonding leave from June to December 2020. During and after returning from her job-protected leave, her manager Michael Cohen failed to promote her to a manager position for which she was qualified and promoted her male peer Jitin Khurana who had been at the company for approximately 4 months at the time of promotion. Beginning in January 2021, Ms. Genower made repeated complaints of discrimination and retaliation to her managers, HR, and Employee Relations. Soon thereafter, Respondent retaliated against her for making protected complaints by, among other things, issuing her an unwarranted negative performance review, reducing her bonus, and abruptly transferring her from the San Francisco to the Menlo Park office.

On January 7, 2022, Ms. Genower filed a complaint (DFEH Matter No. 202201-15808807) with the then Department of Fair Employment and Housing alleging that Meta violated, inter alia, the Equal Pay Act, the Fair Employment and Housing Act, the Pregnancy Disability Leave Law, and the California Family Rights Act. She filed her complaint on behalf of herself and all others similarly situated.

The complaint was intended to be as broad as possible and to exhaust the class administrative process for all class claims relating to female employees at Meta for both

disparate treatment and disparate impact claims with respect to hiring, performance evaluations, pay, promotions, position assignments, and other general terms and conditions of employment that are subject to the protections of California's anti-discrimination statutes.

After Ms. Genower filed her complaint with the DFEH on January 7, 2022, Meta subjected Ms. Genower to further sex-based discrimination and retaliation for opposing the same by, among other acts and omissions, subjecting her to an unwarranted, mediocre performance evaluation and an attendant reduced bonus, and constructively terminating her on May 20, 2022. This ongoing discrimination and retaliation violated, inter alia, the Equal Pay Act, the Fair Employment and Housing Act, the Pregnancy Disability Leave Law, and the California Family Rights Act. Ms. Genower seeks to amend her January 7, 2022 complaint to include, and to exhaust her administrative remedies with respect to, the additional unlawful acts she experienced at Meta between January 7 and May 20, 2022.

This amended complaint is intended to be as broad as possible and to exhaust the class administrative process for all class claims relating to female employees at Meta for both disparate treatment and disparate impact claims with respect to hiring, performance evaluations, pay, promotions, position assignments, and other general terms and conditions of employment that are subject to the protections of California's anti-discrimination statutes.

1 VERIFICATION

2 I, **Pawanpreet Dhaliwal**, am the **Attorney** in the above-entitled complaint. I have
3 read the foregoing complaint and know the contents thereof. The matters alleged are
4 based on information and belief, which I believe to be true.

5 On January 6, 2023, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

7 **Alameda, California**
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Exhibit D



Civil Rights Department

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January 6, 2023

Marina Genower
3737 Linwood Avenue
Oakland, CA 94602

RE: Notice of Case Closure and Right to Sue
CRD Matter Number: 202301-19321506
Right to Sue: Genower / Meta Platforms, Inc. et al.

Dear Marina Genower:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective January 6, 2023 because an immediate Right to Sue notice was requested.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. Contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing



Civil Rights Department

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DRDOnlineRequests@dfeh.ca.gov and include the CRD matter number indicated on the Right to Sue notice.

To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this CRD Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Civil Rights Department