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October 3, 2025

Via Online Submission at <https://dir.govfa.net/>

Labor Workforce & Development Agency
Attn: Attn. PAGA Administrator
PAGAFilings@dir.ca.gov

Via US Certified Mail

Meta, Inc.
Jennifer Newstead
General Counsel
1 Meta Way
Menlo Park, CA 94025

Re: *Imanol Arrieta-Ibarra v. Meta, Inc.*

To the Labor and Workforce Development Agency:

Pursuant to Labor Code § 2699.3, we hereby notify the Labor and Workforce Development Agency ("LWDA") of violations of the Labor Code by the META, INC. ("Meta") in California. Specifically, Meta has violated the applicable Wage Order and the following Labor Code Sections:

- Retaliation; 1102.5, 6310;

Meta routinely fails to provide its employees who work on its Generative Artificial Intelligence products in the area of Child Sexual Abuse Materials ("CSAM") with a safe and healthful workplace as required by law. Further, following our client Imanol Arrieta-Ibarra's repeated complaints about the lack of mental and emotional support for those who were like him required to work with CSAM and were suffering mental health issues and psychological trauma, and also his complaints about Meta's Generative AI tools creating unlawful CSAM content, he was terminated in retaliation for those complaints. The claims are further described in depth in the complaint regarding the underlying violations that our client intends to file in the Superior Court of San Mateo County following the expiration of the deadline for the LWDA to respond to this notice, which is submitted herewith.

Our client intends to seek penalties and attorneys' fees pursuant to § 2699, *et seq.*, for Meta's violations as described above and in the attached complaint, which contains a claim for penalties and attorneys' fees pursuant to Labor Code § 2698, *et seq.* based on the violations described herein upon notification from the LWDA that it does not intend to investigate this allegation. Please notify us of your investigatory intentions as soon as possible. A copy of the original complaint is submitted herewith. A hard copy of this letter is being concurrently sent to

LWDA
October 3, 2025
Page 2 of 2

Meta's General Counsel at the address listed in its corporate filings.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Hicks". The signature is stylized with a large, sweeping "R" and a cursive "Hicks".

Ryan L. Hicks
HOYER, HICKS & GAGE
Attorneys for Imanol Arrieta-Ibarra

attachment

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Attorneys for Plaintiff
IMANOL ARRIETA-IBARRA

SUPERIOR COURT OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN MATEO

IMANOL ARRIETA-IBARRA,

Plaintiff,

vs.

META PLATFORMS, INC. and DOES 1-25,

Defendants.

Case No.

COMPLAINT FOR DAMAGES FOR:

1. Whistleblower Retaliation in Violation of Labor Code §§ 1102.5 and 6310;
2. Disability Discrimination in Violation of the Fair Employment and Housing Act of 1959 ("FEHA") – Gov't Code §12940, *et seq*;
3. Failure to Accommodate in Violation of FEHA – Gov't Code §12940, *et seq*;
4. Failure to Engage in the Interactive Process in Violation of FEHA – Gov't Code §12940, *et seq*;
5. Retaliation in Violation of FEHA – Gov't Code §12940, *et seq*.
6. California Family Rights Act ("CFRA") Rights Retaliation
7. Wrongful Termination in Violation of Public Policy
8. Unfair Competition
9. Private Attorney General Act Penalties

DEMAND FOR A JURY TRIAL

INTRODUCTION

1. Plaintiff IMANOL ARRIETA-IBARRA seeks relief for failure to provide a safe workplace, unlawful business practices, disability discrimination, failure to engage in the good faith interactive process, failure to accommodate, whistleblower retaliation, retaliation for taking legally protected medical leave, and ultimately, his wrongful termination, all of which are related to the work he performed for Defendant META PLATFORMS, INC. ("Meta") related to training its generative artificial intelligence ("AI") software in the area of Child Sexual Abuse Material ("CSAM"). Plaintiff was devoted to Meta and gave his heart, soul, and thousands of hours of his time to try to ensure that the company's Generative AI would not provide pedophiles new tools to abuse children, to prevent abusers from finding child pornography within Facebook, to prevent the models from generating or uploading child pornography to Facebook.

2. In the course of his work, he championed providing protections for himself and other employees and other workers not employed by Defendant who were similarly subjected to child sexual abuse materials in their work. However, while Defendant's content moderators and some of the contractors who were working for Plaintiff were eventually provided with protections, Meta failed to provide Plaintiff with the same resources. Despite Plaintiff's pleas for assistance, Defendant failed to provide Plaintiff with a safe workplace, and he was continuously subjected to extremely stressful child sexual abuse material like sexual child abuse and rape. When he eventually and predictably had a mental collapse and had to go on disability leave, the company threw him away and left him emotionally damaged and unemployed.

3. While Plaintiff was suffering the effects of testing Meta's Generative AI to be safe from child sexual abuse materials, Meta was fully aware of the risks and psychological trauma caused by viewing child sexual abuse material images and other content containing sexual child abuse and rape, and other graphic content. In 2018, it was sued in this Court by a class of its content moderators in *Scola v. Facebook, Inc.*, San Mateo Superior Court Case No. 18CIV05135, in which those third-party contractor content moderators sought declaratory and injunctive relief for the psychological harm they suffered as a result of their jobs viewing similar content, like

1 livestreamed broadcasts of child sexual abuse, rape, torture, bestiality, beheadings, suicide, and
2 murder. Like Plaintiff, the class members in the *Scola* action witnessed thousands of highly toxic
3 and extremely disturbing images. The *Scola* class sought this Court’s assistance in ensuring that
4 Defendant provided the content moderators with proper mandatory onsite and ongoing mental
5 health treatment and support, and to establish a medical monitoring fund for testing and providing
6 mental health treatment to the thousands of former and current content moderators affected by
7 Defendants’ unlawful practices.

8 4. In 2020, Facebook reached a preliminary settlement of the *Scola* class action,¹ and in
9 2021 this Court granted final approval of a \$52 million settlement that provided not only
10 compensation, but widespread workplace improvements and mental health support for over
11 14,000 content moderators. However, while Facebook finally began providing support and
12 protection for its contractor content moderators, it failed to provide the same for its own
13 employees like Platiniff Arrieta-Ibarra.

14 5. The New York Times has recently reported that Defendant has “invested billions of dollars
15 turning [Meta] into an A.I. powerhouse.”² According to the Times, Defendant has raced to
16 incorporate AI across all of its products. Though apparently a biproduct of the company’s
17 attempts to beat its competitors in the AI race is that safeguards and protections regarding CSAM
18 and other inappropriate content take a back seat to getting the AI products to market.

19 6. For example, in the aforementioned report by the New York Times, it stated that in April
20 Defendant announced new versions of its “Llama” GenAI models, which it claimed performed as
21 well or better than its competitors according to its own testing benchmarks. Yet outside
22 researchers and developers were “incensed at what they saw as Meta’s trickery,” and “thought
23 that [Defendant] was trying to paper over the poor performance of the latest release.” Despite the
24 goals that Defendant provided to the U.S. Senate regarding protecting children from CSAM
25 content, Meta has been sued by the Attorneys General of 45 states and the District of Columbia,
26 which accuse the company of “unfairly ensnaring teenagers and children on Instagram and
27

28 ¹ See <https://www.impactfund.org/social-justice-blog/scola-v-facebook>

² <https://www.nytimes.com/2025/06/10/technology/meta-new-ai-lab-superintelligence.html>

Facebook while deceiving the public about the hazards.”³ This article reports that these lawsuits refer to over 1,400 pages of company documents and correspondence filed as evidence in one of the lawsuits and indicate that Defendant’s CEO and other leaders “repeatedly promoted the safety of the company’s platforms, playing down risks to young people, even as they rejected employee pleas to bolster youth guardrails and hire additional staff.” Precisely the types of “pleas” that Plaintiff himself made. The lawsuits reflect concerns that “teenagers and children on social media can be sexually solicited, harassed, bullied, body-shamed and algorithmically induced into compulsive online use.”

7. In May, New Mexico Attorney General Raul Torrez announced the arrests of suspected online predators as part of that state’s “Operation MetaPhile,” in which they were working to arrest “suspected child predators who used Meta’s platforms to find and victimize children.”⁴ The Attorney General Torrez states in the announcement that Operation MetaPhile “conclusively demonstrates that using Meta’s social media platforms not only endangers children in the virtual world but, more importantly, they are spaces that sexual predators actively use to hunt, groom and victimize children in the real world. Rest assured that our agents and prosecutors will continue to use every available resource to apprehend and prosecute these monsters in our midst, but ultimately only Mark Zuckerberg and his executive team have the power to make these products safe to use.”

8. In August of 2025, Reuters reported that it had acquired internal Meta documents which indicated that Defendant affirmatively permitted the company’s GenAI tools to “engage a child in conversations that are romantic or sensual,” among other entirely inappropriate conduct.⁵ The report states that “Meta spokesman Andy Stone said the company is in the process of revising the document and that such conversations with children never should have been allowed.”

9. In response to the explosive Reuters report regarding Defendant’s policies GenAI products, in August 2025, Senator Josh Hawley of Missouri stated he was starting an

³ <https://www.nytimes.com/2024/06/22/technology/zuckerberg-instagram-child-safety-lawsuits.html>

⁴ <https://nmdoj.gov/press-release/new-mexico-attorney-general-raul-torrez-announces-arrests-of-suspected-online-predators-following-operation-metaphile/>

⁵ <https://www.reuters.com/investigates/special-report/meta-ai-chatbot-guidelines/>

1 investigation into “Meta’s generative artificial intelligence products and whether they posed harms
2 to children, the latest scrutiny of whether the social media giant takes appropriate safety
3 measures when it comes to minors.”⁶

4 10. Against the backdrop of the highly publicized *Scola* case and settlement, instead of
5 ensuring that Plaintiff was working in a safe workplace and provided with the same support and
6 protection as its third-party content moderators, Meta failed to provide Plaintiff and his team with
7 that same support and protection for extended exposure to child sexual abuse materials. Plaintiff
8 himself made sure that his contractors eventually got that same support, but he himself was never
9 afforded that luxury. Even when Plaintiff was finally permitted to work with a “health coach,” Meta
10 later told Plaintiff that he could no longer be treated by her because she worked for the company,
11 further abandoning him and making it even more difficult for him to seek a reasonable
12 accommodation that would allow him to continue to work for Meta.

13 11. Finally, while Plaintiff was out on a disability leave seeking treatment for the PTSD he
14 suffered as a result of his work with child sexual abuse material content, he was fired during a
15 purported restructuring that Meta described as a culling of the “five percent of lowest performing
16 employees,” despite his history of glowing performance reviews for his “heroic” efforts to try to
17 make Meta’s GenAI safe and CSAM-free.

18 **JURISDICTION AND VENUE**

19 12. This Court has subject matter jurisdiction over all causes of action alleged in this
20 Complaint pursuant to the California Constitution, Article VI, § 10, and is a Court of competent
21 jurisdiction to grant the relief requested. Plaintiff’s claims arise under the laws of the State of
22 California, are not pre-empted by federal law, do not challenge conduct within any federal
23 agency’s exclusive domain, and are not statutorily assigned to any other trial court.

24 13. This Court has personal jurisdiction over Meta, Inc. because the corporation is
25 headquartered in the County of San Mateo and regularly conducts substantial business there.

26
27
28 ⁶<https://www.nytimes.com/2025/08/15/technology/meta-child-safety-senate-investigation.html?searchResultPosition=7>

1 14. Venue is proper in this Court pursuant to California Code of Civil Procedure sections 395
2 and 395.5. Defendant is headquartered in the County of San Mateo and conducts substantial
3 business there. The injuries that have been sustained as a result of Defendant's illegal conduct
4 occurred in the County of San Mateo.

5 **PARTIES**

6 15. Plaintiff Imanol Arrieta-Ibarra is an adult resident of San Mateo, California. From
7 approximately November 2020 until February 2025, Mr. Arrieta-Ibarra worked for Defendant as
8 an Artificial Intelligence Research Scientist at Defendant's Facebook offices in Menlo Park and
9 Mountain View, California.

10 16. Defendant Meta, Inc. ("Meta") is the corporation that operates Facebook, "a mobile
11 application and website that enables people to connect, share, discover, and communicate with
12 each other on mobile devices and personal computers," and other social media platforms like
13 Instagram, Messenger, and WhatsApp. Meta is a publicly traded corporation incorporated under
14 the laws of Delaware, with its headquarters located at 1601 Willow Road, Menlo Park, California,
15 94025.

16 **FACTUAL ALLEGATIONS**

17 17. Defendant Meta has reported to the U.S. Senate Committee on the Judiciary⁷ that on its
18 platforms, including Facebook, Instagram, Messenger, and WhatsApp— that there were an
19 average of 3.19 billion active people as of December 2023. It also reported it was training its next
20 generative AI model, "Llama" using datasets that do not use illegal CSAM content, claiming that:

21 We work to minimize the possibility of illegal child sexual abuse material
22 being used to train our AI models. We also work with experts and industry
23 partners to help prevent Generative AI models from being used to harm
24 children, and we are routinely testing our models to help our AI features
provide experiences that are safer and more helpful for young people. We
also strive to use a number of protections in our generative AI, including:

- 25 • Training Our Model to Recognize Exploitative Queries: We are training
26 our models to recognize different types of queries, including those related
27 to child exploitation or sexualization, and to not provide a response to
certain queries which may be harmful or illegal, including child exploitative
materials.

28 ⁷ https://www.judiciary.senate.gov/imo/media/doc/2024-01-31_-_qfr_responses_-_zuckerberg1.pdf

1 ● Continual Testing: Dedicated teams work with internal child safety experts
2 and use our institutional knowledge of child safety risks online to test our
3 models with terms and 26 prompts that may be used by those seeking to
4 harm children, allowing us to identify and address inappropriate responses.

5 ● Removing Violating Content from Responses: Building on our long-
6 standing investment in technology that helps to proactively find and remove
7 child exploitative content, we have implemented new technology into our
8 models that works to prevent such content from responses before they are
9 shared with people, in the event the model were to initially generate a
10 response. For example, if someone prompts our AI to create content that
11 could exploit or harm children, our proactive technology works to scan
12 responses and prevent those that may relate to child exploitative content
13 from being shown.

14 ● Providing Feedback on Responses: We have developed feedback tools
15 so people can flag responses that they perceive to be unsafe or offensive,
16 and we will use this feedback to continue training the models and improve
17 our ability to restrict our AI from providing such responses.

18 18. Plaintiff's claims arise out of his work attempting to assist Defendant in achieving that goal,
19 which has been and apparently remains unmet.

20 19. Mr. Arrieta-Ibarra began working for Meta in November 2020 as a research scientist. He
21 was hired to work on statistical analysis in artificial intelligence ("AI") and to do research on how
22 to manage fairness in AI. Most of his work consisted of conducting research, talking to other
23 researchers, and writing papers. Mr. Arrieta-Ibarra did this work for nearly two years.

24 20. In 2023 ChatGPT started exploding in use and popularity and there was another re-
25 organization at Meta. Mr. Arrieta-Ibarra's group was absorbed into the Generative AI Org
26 ("GenAI") where he began working on safety and security. Mr. Arrieta-Ibarra was excited about
27 this transition because he knew he was going to be part of a team working at the cutting-edge of
28 the AI field and that he had the potential to help AI be a positive force in the world. Mr. Arrieta-
29 Ibarra had been talking to his manager on how to pursue a promotion. He was told that he needed
30 to find a project that he could make his own and deliver on it.

31 21. Mr. Arrieta-Ibarra chose to work on the internationalization of security measures for Llama,
32 which is an open source of large language models ("LLMs"). Basically, he wanted to make sure
33 that Llama was safe in other languages and demographics even though it had only been trained
34 on US English data.

1 22. Mr. Arrieta-Ibarra worked with another researcher for three months compiling datasets
2 that would provide test sets to answer the question of whether Llama was safe in other languages.
3 There were prompts and responses in multiple languages and up until December of 2023 Mr.
4 Arrieta-Ibarra had been trying to get Meta to put more resources into internationalizing protections
5 or to at least include it in a roadmap for the company. However, Meta did not give priority to the
6 project and Mr. Arrieta-Ibarra continued to work on it despite the uncertainty of whether what he
7 was doing would be acknowledged as important.

8 23. Mr. Arrieta-Ibarra went on holiday in December of 2023 when internationalization had
9 spiked to become very important to Meta. While Mr. Arrieta-Ibarra was on holiday there was an
10 off-site planning meeting and Mr. Arrieta-Ibarra's project was given to someone else simply
11 because he was not there to advocate for himself. Mr. Arrieta-Ibarra accepted that he was not
12 going to become the project lead, but he did expect to get the work he had done acknowledged
13 by management. Diego Perino, Mr. Arrieta-Ibarra's manager, told him that this wouldn't happen
14 because he was not going to be the owner of the project, but that he was expected to continue
15 working on internationalization because he had been working on it for months and was well-
16 acquainted with it. He was also informed that he was getting a new manager the following month,
17 his seventh in the three years he had been at Meta.

18 24. Mr. Arrieta-Ibarra went to his skip manager, Christian Canton Ferrer, and told him that his
19 project had been taken away and he needed a new project to distinguish himself for a promotion.
20 His manager told him that there were many areas of AI that weren't being given enough attention
21 and one of the issues that was very important to the company was securing AI with respect to
22 Child Sexual Abuse Material ("CSAM").

23 25. This included not giving new tools to abusers to abuse children, keeping abusers from
24 finding CSAM sources, preventing the models from generating violating content, and preventing
25 them from uploading CSAM content. No one had been working in this area in the GenAI space
26 for some time at the company (notwithstanding Defendant's representations to the Senate
27 Committee discussed above regarding the CSAM protections it alleged to have in place) and Mr.
28 Arrieta-Ibarra decided to take it on because the issue was close to his heart. He loved children

1 and had often babysat his young cousins when he was growing up. He also grew up gay in
2 Mexico where there was a lot of homophobia and in seeking places that accepted him, he had
3 come close to being abused several times. He felt a personal responsibility to protect other
4 children from becoming the victims of abuse.

5 26. Mr. Arrieta-Ibarra soon discovered in early 2024 that the way the data had been created
6 to deal with CSAM was unprofessional and even suspicious. He complained up his chain of
7 command that workers creating the data had not been accustomed to working with dangerous
8 CSAM content. The content being used to train the algorithm should not have been used and
9 there was no psychological protection for the people who were working with the CSAM material.
10 At this time, Plaintiff was entirely unaware of the class action and protections afforded to the
11 content moderators, who were siloed in a different part of the company from the people he was
12 working with regarding the interaction between GenAI and CSAM issues.

13 27. Plaintiff also discovered that the contractors who were creating the data were not following
14 Meta's purported company policies. The people working on the questions to "teach" Defendant's
15 AI about CSAM were supposed to have consistent support and supervision, but in actuality they
16 were contracted from third-world countries with no restrictions, and much of the data was either
17 disturbing or meaningless. Even though much of the data that Mr. Arrieta-Ibarra came across
18 was mostly useless, he had to go through it all as he was the only person working on this project.
19 Plaintiff's manager and skip manager were both fully aware of the CSAM materials that he was
20 being required to comb through, and that he was doing the project on his own. Yet at no point did
21 they or anyone else offer any of the psychological protections offered to other workers who
22 worked with CSAM or other similarly disturbing materials.

23 28. When Mr. Arrieta-Ibarra took on this project in January of 2024, he realized it was flawed
24 with no company protocols, and he felt determined to clean it up. His job was to comb through
25 the questions that the contractors had created and see what answers AI generated and grade
26 them. Mr. Arrieta-Ibarra had planned to take some time to go through the data, but was told that
27 the task (a review of over 2,500 prompts related to CSAM) needed to be completed by the next
28 day. Because of this deadline he worked on the CSAM material for many hours, finally concluding

1 at three in the morning the following day. He became so distressed from the disturbing texts
2 which he had spent hours reading that he went into the bathroom and vomited in the early hours
3 of the morning. This was only one of the long, difficult days that Mr. Arrieta-Ibarra would spend
4 working on CSAM data as part of his job for Defendant, which by January 2024 he was doing
5 most of the time for dozens of hours every week. In an internal chat from March 5, 2024, a Meta
6 research scientist attempted to direct Mr. Arrieta-Ibarra to assist with a project, but he reported
7 that he was already too swamped with CSAM work to help with anything else at that time. Also
8 during March 2024, Plaintiff was reporting in internal chats to other research scientists that the
9 work was already causing him to vomit.

10 29. From all the data that Mr. Arrieta-Ibarra had to review he ended up with a subset that was
11 slightly better than nothing. The dataset was the best he and his coworkers could do with the
12 data and time they were given for testing. Mr. Arrieta-Ibarra was told that the data would only be
13 used for internal monitoring, and he delivered the dataset with the caveat that it would not provide
14 any guarantees that the GenAI was actually safe with respect to CSAM issues, and that it was
15 imperative to start from zero and compile a new dataset. Plaintiff made these complaints and
16 recommendations because if the dataset he had been working with were used to test the
17 algorithm, then the algorithm would not be safe regarding the CSAM issues he was working on.
18 His advice was largely ignored until April of 2024 when a major "SEV" (a severity event indicating
19 an outage or other serious technical emergency) problem was triggered at Meta.

20 30. Around this same time period, Mr. Arrieta-Ibarra also started doing a type of exercise
21 called "red-teaming" which was another strategy to safeguard the LLM. What this involves is
22 searching through systems to find the failures and trying to fix them. The person who is red-
23 teaming pretends to be "bad actor" and tries to get the system to provide illegal or inappropriate
24 information. Once they identified the gaps, other teams would take the lessons that were learned
25 and improve the model. It was a better security measure than testing the datasets, but difficult to
26 scale up, costly, and not easy to report to leadership or the general public. Mr. Arrieta-Ibarra was
27 in a group of eight, and sometimes they would spend full days poking at the LLM's and the
28 products derived from it. Throughout the time period, Mr. Arrieta-Ibarra asked for more support

1 in internal chats, and was rebuffed, forcing him to spend an unhealthy amount of time doing this
2 work himself.

3 31. After a couple of weeks of red-teaming, Mr. Arrieta-Ibarra was told to concentrate on red-
4 teaming for CSAM exclusively. At first this felt like a relief as he was still working on
5 internationalization as well as being responsible for CSAM testing all the different Llama versions
6 and he couldn't find enough hours in the day to get all his work done. However, this new
7 assignment meant that Mr. Arrieta-Ibarra would spend approximately eight hours a day
8 pretending to be a sexual predator.

9 32. He had to try to make the system believe that he was an abuser and trick it into giving him
10 information about how to abuse kids, to tell him sexual stories about minors being involved with
11 adults, the best way for an abuser to gain the trust of young children, and how to find CSAM
12 material on the dark web. He had to do this work day after day and soon the tasks started to
13 impinge on his weekends. Mr. Arrieta-Ibarra and his team were working ten to fifteen hours a
14 day, seven days a week. More than half of all this work was focused on CSAM related content.
15 At first he was only working with text, but overtime his work began to include images that were
16 not CSAM but what Meta deemed as "borderline", and he even started to review audio material.

17 33. In April of 2024 things became very tense at Meta because they were about to release a
18 big systems upgrade and someone from leadership discovered the terrible quality of the CSAM
19 testing dataset that Mr. Arrieta-Ibarra had been complaining about for months. The results he
20 and his co-workers were getting from red-teaming were not getting validated by the testing data.
21 Mr. Arrieta-Ibarra had been flagging this problem for a long time, but he had been given no
22 resources to create a testing dataset from scratch. When it became clear that the data was
23 problematic, management panicked. Mr. Arrieta-Ibarra was on a weekend road trip, and he was
24 called back to the office by his org lead Esteban Arcaute along with other researchers, and given
25 twenty-four hours to come up with a solution. Mr. Arrieta-Ibarra was later accused of failing to
26 attend this meeting although he has proof that he had rushed back from his vacation to be there.

27 34. In an internal chat with his then-skip manager Cristian Canton Ferrer, on April 12,2024
28 Platiniiff complained that there was an acute lack of mental and psychological support for those

1 who were—like him—spending substantial amounts of time working with CSAM content. And that
2 instead of providing proper support, the company was instead relying on “FOMO [fear of missing
3 out] and PSC retaliation [retaliation in the form of negative performance reviews] fear” to pressure
4 workers to agree to work with the CSAM content. Canton Ferrer claimed to be in touch with the
5 “well being department,” yet the proper support was nowhere in sight for Plaintiff and the others
6 who were working with the CSAM content. The next chat in the thread however was back to
7 business, demanding that Plaintiff be at his laptop because they were “working with deadlines
8 that we can’t miss.”

9 35. Mr. Arrieta-Ibarra spent the next three months with two great project managers gathering
10 a group of contractors and teaching them how to produce new datasets. He and these managers
11 started by searching for contractors who were given many protections that he himself was not
12 provided, including: psychological counseling including one on one and group therapy,
13 mentorship, they were permitted to work onsite so they wouldn’t be isolated, and were not
14 required to work beyond the recommended hours that individuals were supposed to spend on
15 CSAM material, which was approximately four hours a day (though Plaintiff had been required to
16 be exposed to the CSAM contact much more than that on a daily basis for many months at this
17 point). Mr. Arrieta-Ibarra and his managers found this task to be incredibly difficult. Most
18 contractors couldn’t handle the material and would quit after a couple of days. Many were simply
19 bad at creating prompts. Meta usually outsourced much of this kind of work to India or the
20 Philippines so grammar and spelling were an issue. Finally, they found a contractor in Dublin who
21 could supply the workforce and met all their requirements.

22 36. These workers had never worked on LLMs before and so they needed a very intensive
23 process of training and feedback on their work. Mr. Arrieta-Ibarra was reading around five
24 hundred prompts a day, providing feedback, training people, listening to their concerns, and
25 troubleshooting the app through which they provided data. Mr. Arrieta-Ibarra and his team were
26 expected to finish in a month what would usually take a year to complete by the company that
27 Meta usually hired to do GenAI safety.

1 37. Working with the contractor in Dublin, Mr. Arrieta-Ibarra realized a lot of the protections
2 they had in place for the contractors for dealing with the CSAM material were not given to him or
3 the other full-time employees that worked on similar topics at GenAI for Meta. On April 12, 2024
4 he brought this to the attention of his new manager, Ruty Rinott, and she told him she would
5 “work on it.” A month later no change had been made, and that manager had quit the company.

6 38. On May 10, 2024, Plaintiff reported numerous problems with the CSAM workstream and
7 again requested more assistance to address the problems with the testing and the work itself.
8 The project’s leadership told Plaintiff that he would eventually receive more headcount to work
9 on these issues, but it never materialized.

10 39. Mr. Arrieta-Ibarra’s symptoms of PTSD from his work on CSAM came on gradually and
11 he was working so much he barely noticed at first. In May of 2024, his husband sat him down
12 and told him that his behavior had changed dramatically. He was on edge, exploding in anger
13 over small things, and isolating himself from their friends. He had begun to have very bad
14 headaches and night terrors. He and his husband had several friends with children and they had
15 always enjoyed spending time with these friends and their kids on the weekends. For several
16 months Mr. Arrieta-Ibarra had been making excuses every time their friends would ask them to
17 hang out. He had stopped reading for pleasure, gardening, and doing any of the things he used
18 to enjoy.

19 40. What Mr. Arrieta-Ibarra didn’t tell his husband was that he spent most of the hours of his
20 day thinking about breaking the AI. In order to challenge the models he had developed alternate
21 personas in his head who were abusers, sick people looking for illegal content, and child
22 predators. He would take on these personas when he was working so that he could get into the
23 mindset of an abuser and be most successful at breaking the models. He found he was good at
24 this work, and every time he was able to break the model, he felt a wave of excitement. However,
25 each time he broke the models he would be fed material on how to take advantage of kids, how
26 to navigate the dark web, and how to force kids into keeping secrets. At some point this work was
27 constantly in the back of his mind. He would see new opportunities for abusive exploits in
28 everything that happened throughout his day. He couldn’t feel at ease around the people he

1 cared about and their children when these thoughts were constantly in his head. When he was
2 around them his mind would race with all the ways the kids could be abused by their parents,
3 teachers, and strangers. He couldn't even look at pictures of his friends' kids without having these
4 intrusive thoughts and he began to isolate himself from everyone he knew.

5 41. Mr. Arrieta-Ibarra tried to shrug off his symptoms because everyone around him at work
6 was dealing with stress, so he initially attributed his symptoms to stress as well. But once his
7 husband brought to his attention how much he had changed, he began complaining to his
8 managers that the CSAM material he and the contractors were dealing with was so extreme that
9 they needed support. He began making sure that all the contractors had proper medical care and
10 that they were given support and training. However, no one was making sure that Mr. Arrieta-
11 Ibarra was also getting the support and training that he needed. Mr. Arrieta-Ibarra had previously
12 learned that the original data for the CSAM content had been collected in the same way data for
13 low-risk topics had such as religious content and political speech. Basically, no safety protocols
14 were put into place to protect the employees or contractors who were working full-time with high-
15 risk data at Meta, and they were expected to interact with it in the same way as employees who
16 were teaching AI mundane things. Plaintiff made repeated requests in internal chats to Mr.
17 Hancock for psychological assistance, and while Mr. Hancock claimed to be on board with that,
18 any actual support was woefully inadequate.

19 42. Also during May 2024, Plaintiff was compelled to seek "volunteers" to do some of the
20 massive amounts of CSAM work that he was tasked with. In a May 15, 2024 internal chat, Plaintiff
21 explained that in order to do the work the volunteers would require "some trainings on working
22 with graphic content and some resilience work." He got no response or assistance whatsoever
23 from his colleagues who were likely understandably unwilling to do CSAM work, and even more
24 disappointingly there was no response from the tech lead of the entire benchmark project.

25 43. In another internal chat, on May 16, 2024 Plaintiff was again pleading for more support in
26 working with CSAM content, and his skip manager at the time Braden Hancock, Director of AI
27 Platforms stated that Mr. Arrieta-Ibarra was "heroically" pushing these CSAM projects forward,
28 while in the same chat a program manager named Iga Kozlowska was also seeking more

resources to help with the massive CSAM workload. Again more assistance was promised but never actually provided.

44. By the end of the month, Plaintiff was reporting to Defendant's legal department that in his "red-teaming," he was finding CSAM images in the datasets, which was illegal. The Legal department then told Plaintiff that such images would cause "a whole cascade of legal issues." On other occasions, Plaintiff discovered more unlawful CSAM images due to workers using improper prompts, and when he reported those to the legal department, his concerns were brushed off or he was simply told that the images were not actually CSAM.

45. On another occasion, Plaintiff reported to the legal department:

Hi Lauren, so there was a huge problem with CSE again. Bobbie posted to the chat last week asking if we could use images generated for redteaming using photogen. I was out on PTO and then told that legal had authorized it when I came back. I was doing some QA when I came across an image that to my view is clearly CSAM. I then asked for the legal stamp of approval and apparently there never was one. What do we do now? How and where do we report this?

He received no response.

46. Around June of 2024, Mr. Arrieta-Ibarra's previous skip manager, Christian Canton Ferrer, organized a talk by a health coach and she spoke about the dangers of exposure to CSAM materials and some of the symptoms that could occur from working on it. Mr. Arrieta-Ibarra realized he had many of these symptoms and that he wasn't just dealing with work stress, that something more extreme was happening to him. Mr. Arrieta-Ibarra reached out to the health coach, and she informed him that Meta shouldn't have allowed him to do the CSAM work with no support. She put him in touch with a CSAM psychiatrist named Ciara who was based in Ireland and contracted by Meta, and she expressed her surprise and concern that Mr. Arrieta-Ibarra hadn't been referred to her when he started working on CSAM.

47. Mr. Arrieta-Ibarra began working with Dr. Ciara in June 2024, and she told him his psychiatric symptoms were severe and that he should take leave from work. However, Mr. Arrieta-Ibarra felt that there were too many factors that prevented him from taking a disability leave. He had a sense of duty to continue the project that he started and thought that what he was doing was too important to abandon it. He knew the project had been neglected in the past

1 and he was worried if he left it would fall by the wayside again. For him, taking a leave meant that
2 all the hours he spent working and all the holidays and weekends he had sacrificed would mean
3 nothing, and he would be leaving his co-workers in the lurch to pick up the slack. He and Ciara
4 agreed that he would continue working and she would treat his symptoms. Although Mr. Arrieta-
5 Ibarra was still suffering from nightmares, headaches, and other symptoms, he felt they became
6 a little more manageable with the therapy.

7 48. In August 2024, Mr. Arrieta-Ibarra had a performance review. He was told in the review
8 that he was doing great and he was on track to be promoted, but received a vague excuse about
9 something that was keeping him from the promotion. The manager that gave him this review had
10 only been working with him for a month. His previous manager had quit in April so from April to
11 July Mr. Arrieta-Ibarra had no manager, and from June through August he had no skip manager
12 either. He had sent several emails and documents during this time asking for support and had
13 received none. He was shocked to discover that he had driven himself to exhaustion to complete
14 this project only to be put off once again for a promotion by someone who barely knew him.

15 49. Mr. Arrieta-Ibarra had been told several times that he had to wait for a promotion over
16 some pretext and he had just kept trying to work harder. This time, however, it was different. He
17 had put his personal relationships at risk and worked to the point of mental collapse, only to be
18 told that he had to work at an even higher pace over the next six months to consider advancing
19 his career. At that moment all the stress that Mr. Arrieta-Ibarra had been holding back
20 overwhelmed him and he had a full-blown panic attack. He ended up lying on the floor having
21 difficulty breathing and he thought he was going to die. Eventually the panic receded, and Mr.
22 Arrieta-Ibarra called Ciara. She told him that he had a panic attack and insisted that he go on
23 leave.

24 50. The health coach from Meta and Ciara had both told Plaintiff that it should be easy to go
25 out on leave to obtain treatment for his condition, but Mr. Arrieta-Ibarra found this was not the
26 case. Defendant told him that he had to obtain a letter from a psychiatrist who was not contracted
27 through Meta. Plaintiff ultimately learned about an organization called Lyra contracted through
28 Meta that (in contrast to Meta's initial instructions) would evaluate him and decide if he was

1 eligible for disability leave. Ciara had suggested he take six months of leave but the person who
2 evaluated him at Lyra only cleared him for three months, and said that he would be given a re-
3 evaluation at that time, but that if he needed more time to stabilize, it would be simple to get more
4 leave.

5 51. Altogether it took two weeks for Mr. Arrieta-Ibarra to get cleared for disability leave and
6 during that time his symptoms escalated significantly. He began to have waves of panic, and he
7 was afraid to drive because they would come at random times with seemingly no trigger. He had
8 developed a tic where if he got any notification from work he would startle. Before he was
9 permitted to go out on disability leave, he was compelled to use his own PTO to attempt to ease
10 his condition. When Mr. Arrieta-Ibarra finally was permitted to go out on leave, Defendant
11 informed him that that he could no longer see Ciara because she worked for Meta, and he had
12 to now find his own psychiatrist. He was suddenly left out of work, with severe PTSD, and no
13 support from the company who had caused his symptoms. Mr. Arrieta-Ibarra reached out to many
14 therapists on his own, but they refused to treat him because they did not want to work with CSAM
15 issues. During this time, Mr. Arrieta-Ibarra tried several things to get out of the mental health
16 crisis he was in. He was still experiencing many disturbing symptoms, and they had escalated to
17 the point that he could not even open his computer. If he tried to approach his computer he would
18 begin trembling and experiencing nervous tics.

19 52. Mr. Arrieta-Ibarra had a follow-up phone appointment with the Lyra psychologist in
20 November of 2024, during which he told the psychologist that his symptoms were getting worse.
21 The psychologist refused to provide extended leave because he said Mr. Arrieta-Ibarra was not
22 getting help (despite Mr. Arrieta-Ibarra informing him that had been trying desperately to get help
23 and had been refused by every psychiatrist he had approached). The Lyra psychologist then said
24 he should attempt to get clearance for an extended leave from Ciara, the psychiatrist who worked
25 for Meta, and who was unable to authorize his leave. Mr. Arrieta-Ibarra became so distraught
26 during the call that he had another panic attack, and the psychologist became upset, was rude
27 to him, and told him he was going to call the police because he thought Mr. Arrieta-Ibarra was
28 suicidal.

1 53. In late 2024, Mr. Arrieta-Ibarra was able to seek help from a psychiatrist that he knew from
2 his time in his Ph.D. program, but he had to pay her out of pocket for treatment. She wrote a
3 letter in approximately November 2024, requesting from Meta an extension of Plaintiff's leave
4 until February of 2025, she prescribed him Ativan for his panic attacks, and she recommended
5 an outpatient program called "La Selva" that he began attending three days a week. Around this
6 time Plaintiff began to see a new psychiatrist named Dr. Grace Liu ("Dr. Liu"). Dr. Liu didn't think
7 he could return to work in February and suggested that he push his return date to August of 2025.
8 He had begun to make small improvements in his mental health. He no longer had migraines, his
9 nightmares weren't as severe, and he was able to be around children again without becoming
10 repulsed. However, he still would experience tremors and nervous tics when he tried to use his
11 computer.

12 54. Shortly after Mr. Arrieta-Ibarra told Meta that he was not yet cleared to return to work, in
13 February 2025, he was fired by the company under the pretext of a reduction in workforce.
14 Regarding the RIF, Meta was in the press stating that employees terminated were the five percent
15 lowest performing employees. In an HR work group Meta said that they were firing people who
16 had a performance review of "did not meet expectations" and if they had a review of "meets most
17 expectations" their termination was left to the discretion of their manager. However, Mr. Arrieta-
18 Ibarra had *a/ways* received glowing performance reviews and in the last review before he went
19 on disability leave, he was told that he was doing very well at his job and that he was on track for
20 a promotion. He had been given a "meets all" review and his job should have been safe if the
21 reasons for the RIF were actually true. The only thing that changed was the fact that he went out
22 on a protected medical leave because Meta had failed to accommodate him while he was working
23 in a high-risk field, despite his many complaints about the lack of protection for himself and others,
24 and his complaints about his own condition. Mr. Arrieta-Ibarra was involved in work that was
25 cutting-edge where he was constantly trying to break systems so that he could improve them and
26 make GenAI safer. He had adopted Meta's mantra, which was to "break things, move fast" but
27 he never realized that the motto included breaking people as well, and that when Meta broke
28 people, they discarded them and moved on.

1 55. To date, Plaintiff is still seeking treatment for his symptoms, but it is unclear when he will
2 be able to attempt to find a comparable job

3 **FIRST CAUSE OF ACTION**

4 **Whistleblower Retaliation in Violation of Labor Code § 1102.5**

5 56. Plaintiff incorporates each of the foregoing paragraphs as though fully set forth herein
6 below.

7 57. Defendant's conduct, as alleged herein, constitutes whistleblower retaliation in violation
8 of California Labor Code § 1102.5, which prohibits employers from retaliating against employees
9 for refusing to participate in an activity that would result in a violation of a state or federal statute,
10 or a violation of or noncompliance with a local, state, or federal rule or regulation or for disclosing
11 information to a person with authority over the employee or another employee who has the
12 authority to investigate, discover, or correct the violation or noncompliance, if the employee has
13 reasonable cause to believe that the information discloses a violation of state or federal statute,
14 or a violation of or noncompliance with a local, state, or federal rule or regulation.

15 58. As a direct result of Defendants' unlawful employment practices, as alleged herein,
16 Plaintiff has suffered lost wages, lost benefits, and emotional distress in an amount to be proven
17 at trial.

18 59. Defendants' conduct, as alleged herein, constitutes oppression, fraud, and/or malice
19 within the meaning of Cal. Civ. Code § 3294 in that Defendants' conduct was intended by
20 Defendants to cause injury to Plaintiff and/or was committed by Defendants with a wilful and
21 conscious disregard of Plaintiff's rights, entitling Plaintiff to an award of exemplary or punitive
22 damages.

23 **SECOND CAUSE OF ACTION**

24 **Cal/OSHA Whistleblower Retaliation in Violation of Labor. Code § 6310**

25 60. Plaintiff incorporates each of the foregoing paragraphs as though fully set forth herein
26 below.

27 61. Defendants' conduct, as alleged herein, constitutes whistleblower retaliation in violation
28 of the California Occupational Safety and Health Act (Cal. Lab. Code § 6300 *et seq.*)

1 (“Cal/OSHA”) at Cal. Lab. Code § 6310, which prohibits employers from retaliating against
2 employees for complaining about unsafe working conditions or practices.

3 62. As a direct result of Defendants’ unlawful employment practices, as alleged herein,
4 Plaintiff has suffered lost wages, lost benefits, and emotional distress in an amount to be proven
5 at trial.

6 63. Defendants’ conduct, as alleged herein, constitutes oppression, fraud, and/or malice
7 within the meaning of Cal. Civ. Code § 3294 in that Defendants’ conduct was intended by
8 Defendants to cause injury to Plaintiff and/or was committed by Defendants with a wilful and
9 conscious disregard of Plaintiff’s rights, entitling Plaintiff to an award of exemplary or punitive
10 damages.

11 **THIRD CAUSE OF ACTION**

12 **Disability Discrimination in Violation of the Fair Employment and Housing Act** 13 **(“FEHA”), Gov. Code § 12940 et seq.**

14 64. Plaintiff incorporates each of the foregoing paragraphs as though fully set forth herein
15 below.

16 65. Defendant is a covered employer under FEHA.

17 66. At all relevant times herein, Plaintiff was employed by Defendant.

18 67. Defendant knew that Plaintiff was diagnosed with PTSD and undergoing treatment.

19 68. Plaintiff was able to perform the essential job duties of his position with or without
20 reasonable accommodation.

21 69. Defendant subjected Plaintiff to adverse employment actions, including but not limited to
22 termination.

23 70. Plaintiff’s cancer diagnosis was a substantial motivating reason for Defendant’s conduct.

24 71. Plaintiff was harmed.

25 72. Defendant’s conduct was a substantial factor in causing Plaintiff’s harm.

26 73. Defendants’ conduct, as alleged herein, constitutes oppression, fraud, and/or malice
27 within the meaning of Cal. Civ. Code § 3294 in that Defendants’ conduct was intended by
28 Defendants to cause injury to Plaintiff and/or was committed by Defendants with a wilful and

conscious disregard of Plaintiff's rights, entitling Plaintiff to an award of exemplary or punitive damages.

FOURTH CAUSE OF ACTION

Failure to Accommodate in Violation of FEHA, Gov. Code § 12940 et seq.

74. Plaintiff incorporates each of the foregoing paragraphs as though fully set forth herein below.

75. Defendant is a covered employer under FEHA.

76. At all relevant times herein, Plaintiff was employed by Defendant.

77. Plaintiff was diagnosed with PTSD and undergoing treatment.

78. Plaintiff was able to perform the essential job duties of his position with reasonable accommodations.

79. Defendant failed to provide Plaintiff with reasonable accommodations.

80. Plaintiff was harmed.

81. Defendant's failure to provide reasonable accommodations was a substantial factor in causing Plaintiff's harm.

82. Defendants' conduct, as alleged herein, constitutes oppression, fraud, and/or malice within the meaning of Cal. Civ. Code § 3294 in that Defendants' conduct was intended by Defendants to cause injury to Plaintiff and/or was committed by Defendants with a wilful and conscious disregard of Plaintiff's rights, entitling Plaintiff to an award of exemplary or punitive damages.

FIFTH CAUSE OF ACTION

Failure to Engage in the Interactive Process in Violation of FEHA, Gov. Code § 12940 et seq.

83. Plaintiff incorporates each of the foregoing paragraphs as though fully set forth herein below.

84. Defendant is a covered employer under FEHA.

85. At all relevant times herein, Plaintiff was employed by Defendant.

86. Plaintiff was diagnosed with PTSD and undergoing treatment.

1 87. Plaintiff requested that Defendant make reasonable accommodations so that he would be
2 able to perform his essential job requirements.

3 88. Plaintiff was willing to participate in an interactive process to determine whether
4 reasonable accommodation could be made so that he would be able to perform the essential job
5 requirements.

6 89. Defendant failed to participate in a timely good-faith interactive process with Plaintiff to
7 determine whether reasonable accommodation could be made.

8 90. Plaintiff was harmed.

9 91. Defendant's failure to engage in a good-faith interactive process was a substantial factor
10 in causing Plaintiff's harm.

11 92. Defendants' conduct, as alleged herein, constitutes oppression, fraud, and/or malice
12 within the meaning of Cal. Civ. Code § 3294 in that Defendants' conduct was intended by
13 Defendants to cause injury to Plaintiff and/or was committed by Defendants with a wilful and
14 conscious disregard of Plaintiff's rights, entitling Plaintiff to an award of exemplary or punitive
15 damages.

16 **SIXTH CAUSE OF ACTION**

17 **Retaliation in Violation of FEHA, Gov. Code § 12940 *et seq.***

18 93. Plaintiff incorporates each of the foregoing paragraphs as though fully set forth herein
19 below.

20 94. Plaintiff engaged in protected activity by requesting reasonable accommodations so he
21 could undergo treatment for PTSD.

22 95. Defendant took various adverse actions against Plaintiff, ultimately terminating him.

23 96. Plaintiff's protected activity was a substantial motivating reason for Defendant's decision
24 to take the aforementioned adverse actions.

25 97. Plaintiff was harmed.

26 98. Defendant's decision to take the aforementioned adverse actions against Plaintiff was a
27 substantial factor in causing him harm.

99. Defendants' conduct, as alleged herein, constitutes oppression, fraud, and/or malice within the meaning of Cal. Civ. Code § 3294 in that Defendants' conduct was intended by Defendants to cause injury to Plaintiff and/or was committed by Defendants with a wilful and conscious disregard of Plaintiff's rights, entitling Plaintiff to an award of exemplary or punitive damages.

SEVENTH CAUSE OF ACTION

CFRA Rights Retaliation

100. Plaintiff incorporates each of the foregoing paragraphs as though fully set forth herein below.

101. Plaintiff was eligible for family care and medical leave.

102. Plaintiff requested family care and medical leave and took medical leave.

103. Defendant subjected Plaintiff to adverse employment actions, including interference with the leave request, interference with his return to work – ultimately terminating him instead of permitting him time to recover and return to work.

104. Plaintiff's request for and taking of family care and medical leave was a substantial motivating reason for the adverse employment actions.

105. Plaintiff was harmed.

106. Defendant's retaliatory conduct was a substantial factor in causing Plaintiff's harm.

EIGHTH CAUSE OF ACTION

Wrongful Termination in Violation of Public Policy

107. Plaintiff realleges and incorporates by reference the preceding paragraphs as though fully set forth herein.

108. Defendant terminated Plaintiff in violation of fundamental public policies embodied in FEHA and the Labor Code discussed above and below §1102.5, including the right to be free from discrimination, harassment, and retaliation.

109. Plaintiff's termination was a direct result of his protected activities and/or his protected characteristics.

1 110. As a proximate result, Plaintiff suffered damages including loss of income and emotional
2 distress.

3 111. Defendants' conduct, as alleged herein, constitutes oppression, fraud, and/or malice
4 within the meaning of Cal. Civ. Code § 3294 in that Defendants' conduct was intended by
5 Defendants to cause injury to Plaintiff and/or was committed by Defendants with a wilful and
6 conscious disregard of Plaintiff's rights, entitling Plaintiff to an award of exemplary or punitive
7 damages.

8 **NINTH CAUSE OF ACTION**

9 **Unfair Business Practices**

10 112. Plaintiff realleges and incorporates by reference herein all allegations above.

11 113. The California Unfair Competition Law ("UCL"), Cal. Bus. & Prof. Code § 17200 *et seq.*,
12 UCL §17200 provides, in pertinent part, that "unfair competition shall mean and include unlawful,
13 Unfair or fraudulent business practices and unfair, deceptive, untrue or misleading
14 advertising....."

15 114. Under the UCL, a business act or practice is "unlawful" if it violates any established state or
16 federal law.

17 115. Section 6400 of California's Labor Code requires employers to "furnish employment and
18 a place of employment that is safe and healthful for the employees therein." Similarly, Section
19 6401 requires every employer to "furnish and use safety devices and safeguards, and [to] adopt
20 and use practices, means, methods, operations, and processes which are reasonably adequate
21 to render such employment and place of employment safe and healthful."

22 116. To protect employees from unsafe work places, California law requires that "[e]very
23 employer shall do every other thing reasonably necessary to protect the life, safety, and health
24 of employees." Cal. Labor Code § 6401. This includes "establish[ing], implement[ing], and
25 maintain[ing] an effective injury prevention program." Cal. Labor Code § 6401.7. Employers must
26 "provide and use safety devices and safeguards reasonably adequate to render the employment
27 and place of employment safe"; "adopt and use methods and processes reasonably adequate to
28

render the employment and place of employment safe”; and “do every other thing reasonably necessary to protect the life, safety, and health of employees.” Cal. Labor Code § 6403.

117. No employer can “require or permit any employee to go or be in any employment or place of employment which is not safe and healthful.” Cal. Labor Code § 6402.

118. Defendant Meta did not provide a safe working environment. Defendant routinely and repeatedly exposed Plaintiff and his co-workers to content known to cause psychological trauma, including PTSD. Even though Defendant knew of and could have reasonably implemented adequate safety measures, the corporation refused to implement necessary and adequate safety and instructional materials, warnings, and means to reduce and/or minimize the risks associated with exposure to graphic CSAM content.

119. Defendant’s failure to provide a safe workplace for Plaintiff violates, *inter alia*, California Labor Code §§ 6400, 6401, 6401.7, 6402 and 6403.

120. Defendant’s illegal conduct was willful and serious, and directly caused harm to Plaintiff and other workers who were working with the CSAM content.

121. Defendant required Plaintiff and those working with him to work in unsafe conditions every day.

122. Facebook had a duty to provide Plaintiff and other employees working with CSAM content with necessary and adequate safety and instructional materials, warnings, and means to reduce and/or minimize the risks associated with exposure to such graphic content.

123. Having been sued and settled a class action on behalf of its content moderators, Meta was aware or should have been aware that the workplace could be made safe if proper precautions were followed.

124. Defendant was also aware of the psychological trauma that could be caused by viewing video, images, and/or livestreamed broadcasts of CSAM content. As the employer, Meta was required to monitor and follow up with those who are repeatedly exposed to such content.

125. Meta failed to provide the necessary and adequate safety and instructional materials, warnings, and means to reduce and/or minimize the risks associated with exposure to CSAM content.

1 126. Defendant's illegal conduct was willful and serious, and directly caused harm to Plaintiff
2 and other employees.

3 127. Plaintiff suffered an injury in fact because of Defendant's conduct and has lost money
4 because of Meta's conduct.

5 128. Specifically, Plaintiff paid out of pocket for medical treatment and therapy for his PTSD,
6 which was caused by Facebook's conduct.

7 129. There were reasonably available alternatives to further Defendant's legitimate business
8 interests, other than the conduct described herein.

9 130. Defendant's failure to follow worker safety laws amounts to an unlawful, unfair, and
10 fraudulent business practice under California Business and Professions Code § 17200.

11 131. Plaintiff seeks all appropriate injunctive relief pursuant to Business and Professions Code
12 § 17203, including an order requiring Meta to implement safety guidelines for all workers that
13 interact and/or work with CSAM content with respect to its Generative Artificial Intelligence tools,
14 software, and/or platforms.

15 132. Plaintiff seeks an injunction creating a court-supervised, Facebook-funded medical
16 monitoring program facilitating the diagnosis and adequate treatment of its employees that work
17 with objectionable content for psychological injuries, including but not limited to PTSD, like that it
18 provides to its content moderators. The medical monitoring should include a trust fund to pay for
19 the medical monitoring and treatment of Plaintiff and other employees that work with CSAM
20 content as frequently and appropriately as necessary.

21 133. Plaintiff also seeks an award of attorney's fees.

22 **TENTH CAUSE OF ACTION**

23 **Private Attorneys General Act of 2004 ("PAGA")**

24 134. Plaintiff incorporates each of the foregoing paragraphs as though fully set forth herein
25 below.

26 135. On [DATE], Plaintiff provided notice to the Labor Workforce and Development Agency
27 ("LWDA") and also to Defendant of his intent to seek penalties pursuant to PAGA as required by
28 that statute. If the LWDA intended to investigate Plaintiff's allegations, it had to provide Plaintiff

1 notice of that intent. More than sixty-five (65) days have passed since Plaintiff provided the LWDA
2 notice on [DATE] but Plaintiff did not receive any notice that the LWDA intended to investigate
3 his allegations, nor any notice of any attempt to cure those alleged violations. Hence, pursuant
4 to Cal. Labor Code § 2699.3(a)(2)(a-c), Plaintiff now has the right to bring a claim for PAGA
5 penalties.

6 136. As described herein, during the Period one year prior to Plaintiff's notice to the LWDA of
7 Defendants' violations, Defendants' practices with respect to Plaintiff and other Aggrieved
8 Employees whose jobs exposed them to Child Sexual Abuse Materials violated Labor Code §§
9 1102.5, 2699, 6310, 6400, 6401, 6401.7, 6402 and 6403.

10 137. Labor Code §§ 2699(a) and (g) authorize an Aggrieved Employee to bring a civil action to
11 recover civil penalties pursuant to the procedures specified in Labor Code § 2699.3. Pursuant to
12 those sections, Plaintiff is entitled to recover civil penalties for Defendants' violations of the Labor
13 Code as described hereinabove.

14 138. Pursuant to Labor Code § 2699, Plaintiff is entitled to an award of reasonable attorney's
15 fees and costs in connection with his claim for civil penalties.

16 **PRAYER FOR RELIEF**

17 WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

- 18 1. For an award of damages to Plaintiff against Defendant, including compensatory
19 damages, economic damages, emotional and physical distress, and for any punitive
20 or penalty damages allowed under California law;
- 21 2. All applicable statutory penalties;
- 22 3. Costs and expenses of this action incurred herein, including reasonable attorneys'
23 fees and expert fees;
- 24 4. A declaratory judgment that Defendant discriminated and retaliated against Plaintiff in
25 violation of FEHA;
- 26 5. For a declaratory judgment that Defendant violated the California Labor Code and public
27 policy as alleged herein;
- 28 6. Damages and restitution for paid wages, together with interest at the legal rate;

- 1 7. Pre-and post-judgment interest, as provided by law;
2 8. Exemplary damages;
3 9. For the costs of the suit; and
4 10. Any and all such other and further legal and equitable relief as this Court deems
5 necessary, just and proper.

6 **DEMAND FOR JURY TRIAL**

7 Plaintiff hereby demands a jury trial on all causes of action and claims with respect to
8 which he has a right to a jury trial.

9
10
11 Date:

HOYER, HICKS & GAGE

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14

Richard A. Hoyer
15 Ryan L. Hicks
16 Nicole B. Gage
17 *Attorneys for Plaintiff*
18 IMANOL ARRIETA-IBARRA
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