

Genie Harrison, SBN 163641
Mia Munro, SBN 281317
GENIE HARRISON LAW FIRM, APC
523 W. 6th Street, Suite 707
Los Angeles, CA 90014
T: 213.805.5301 F: 213.805.5306
genie@genieharrisonlaw.com
mia@genieharrisonlaw.com

Nicholas W. Sarris, SBN 242011
Talya T. Deluya, SBN 337012
JML LAW, APLC
5855 Topanga Canyon Boulevard, Suite 300
Woodland Hills, CA 91367
T: 818.610.8800 F: 818.610.3030
nsarris@jmlaw.com
tdeluya@jmlaw.com

Attorneys for Plaintiff

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

JANE DOE, individually and
on behalf of others similarly situated,

Plaintiff,

vs.

NIANTIC, INC., a Delaware
corporation; and DOES 1 through 10,
inclusive,

Defendants.

Case No.: 23STCV15935

Assigned to Hon. Elihu M. Berle, Dept. 6

CLASS AND PAGA ACTION

**FIRST AMENDED COMPLAINT FOR
(AMENDED AS OF RIGHT PURSUANT
TO LABOR CODE § 2699.3):**

1. **Violation of California Equal Pay Act (Labor Code § 1197.5(a));**
2. **Retaliation in Violation of California Equal Pay Act (Labor Code § 1197.5(k));**
3. **Discrimination in Violation of the Fair Employment & Housing Act (Cal. Govt. Code § 12940(a));**
4. **Hostile Work Environment in Violation of the Fair Employment & Housing Act (Cal. Govt. Code §**

FILED
Superior Court of California
County of Los Angeles

09/11/2023

David W. Slayton, Executive Officer / Clerk of Court

By: M. Arellanes Deputy

12940(j)(1));

5. Retaliation in Violation of the Fair Employment & Housing Act (Cal. Govt. Code § 12940(h));
6. Failure to Prevent Discrimination, Harassment, and Retaliation in Violation of the Fair Employment & Housing Act (Cal. Govt. Code § 12940(k)); and
7. Violation of Unfair Competition Law (Bus. & Prof. Code § 17200, et seq.);
8. Representative Action Pursuant to Labor Code §§ 2698, et seq.

DEMAND FOR JURY TRIAL

Action filed: July 7, 2023
Trial date: None

TO THIS HONORABLE COURT AND ALL INTERESTED PARTIES:

NOW COMES Plaintiff Jane Doe to submit her Complaint to allege causes of action, individually and on behalf of a class of similarly-situated current and former California employees, against Defendant Niantic, Inc. (“Niantic”), a Delaware corporation headquartered in California, and DOES 1 through 20, inclusive, (collectively “Defendants”) as follows:

NATURE OF ACTION

1. This is a case about systemic sexual bias at Niantic. Plaintiff Jane Doe was an employee of Niantic, Inc. from February 19, 2020 until July 1, 2023. Throughout Plaintiff’s employment with Niantic, Niantic systemically devalued the work of female employees and especially women of color, including Plaintiff. Throughout Plaintiff’s employment with Niantic, Niantic denied equal pay and stifled the careers of women and women of color, like Plaintiff. The blatant favoritism that Niantic has given to men comes from the top of the organization, including from Chief Executive Officer John Hanke and the male leadership at Niantic that surrounds him. That known sexism and toxicity coming from the top of Niantic permeates the company. Female employees see Niantic as a Boys Club where men mentor and boost the careers of other men while leaving women and women of color behind. Building on the toxic

1 work culture, Niantic has also made clear to its female employees that it does not tolerate
2 discussion or dissent about equity, equal pay issues, sexism, or the Boys Club at Niantic. Women
3 who speak out at Niantic on these issues are labeled as a problem by upper management and
4 pushed out of the company. Niantic's human resources department operates on an apparent
5 directive from CEO Hanke and other men in leadership to silence female employees who speak
6 out.

7 2. Plaintiff seeks to ensure the sexual bias complaints of all female employees and
8 women of color at Niantic are taken seriously and acted upon. Accordingly, on behalf of herself
9 and on behalf of a proposed class of similarly-situated current and former California employees
10 of Niantic, Plaintiff brings this class action lawsuit to obtain monetary damages and to require
11 Niantic to reckon with and remedy the Boys Club that it has created and maintained for years.

12 3. Specifically, Plaintiff seeks to stop Niantic's custom and practice of fostering
13 sexual bias in employment decisions including: (a) paying women less than similarly-situated
14 men; (b) paying women of color less than similarly-situated white persons; (b) promoting
15 similarly-situated men more frequently than women who are equally or more qualified for
16 promotions; (c) assigning women to lower paid positions than similarly-situated men, even when
17 these women's qualifications were equal to or greater than the men's qualifications; (d)
18 retaliating against female employees who express concerns about the workplace, including
19 concerns regarding discrimination and equal pay issues; and (e) creating, encouraging, and
20 maintaining a work environment that exposes its female employees to discrimination,
21 harassment, and retaliation.

22 **THE PARTIES**

23 4. Plaintiff Jane Doe is an adult resident of the County of Los Angeles State of
24 California, and performed work at Niantic from approximately February 19, 2020 until July 1,
25 2023.

26 5. Defendant Niantic is a corporation organized and existing under the laws of the
27 State of Delaware, with its principal place of business located at 1 Ferry Building, #200, San
28 Francisco, California 94111. Niantic was founded in 2015 and is a software development

1 company and game developer, best known for creating and selling augmented reality games such
2 as “Pokemon Go” and “Ingress.” Niantic operates offices in Los Angeles, San Francisco,
3 Sunnyvale, Bellevue, Lawrence, Tokyo, Bristol, Hamburg, and Zurich, and has approximately
4 800 employees. At all relevant times, Niantic was and is doing business in the City of Los
5 Angeles, State of California.

6 6. The true names and capacities, whether corporate, associate, individual or
7 otherwise, of Defendants DOES 1 through 20, inclusive, are unknown to Plaintiff. Plaintiff
8 therefore sues said Defendants by such fictitious names pursuant to California Code of Civil
9 Procedure section 474. Each of the Defendants designated herein as a DOE is legally responsible
10 in some manner for the events and happenings referred to in the Complaint, and caused injuries
11 and damages proximately to Plaintiff, as herein alleged. Plaintiff will ask leave of Court to
12 amend this Complaint to show their names and capacities when the same have been ascertained.

13 7. Whenever and wherever reference is made in this complaint to any act or failure
14 to act by a Defendant or Defendants, such allegations and references shall also be deemed to
15 mean the acts and/or failures to act by each Defendant acting individually, jointly, and/or
16 severally.

17 8. Plaintiff is informed and believes, and based thereon alleges, that at all material
18 times, one or more of each named and/or unnamed Defendants was the agent, servant, employee,
19 or employer of one or more of the remaining named and/or unnamed Defendants and, as
20 hereinafter alleged, was acting within the scope of such authority, consent, agency, servancy, or
21 employment.

22 9. Plaintiff is informed and believes, and based thereon alleges, that at all material
23 times, one or more of each named and/or unnamed Defendants was in some fashion, by contract
24 or otherwise, the predecessors, affiliates, alter egos, assigns, joint-venturers, co-venturers or
25 partners of one or more of the remaining named and/or unnamed Defendants, and as hereinafter
26 alleged, was acting within that capacity.

27 10. Plaintiff is further informed and believes, and on that basis alleges, that one or
28 more of the remaining named and/or unnamed Defendants are the successors of one or more of

1 the remaining named and/or unnamed Defendants. Such successors are liable for the
2 occurrences, damages, and injuries alleged herein to the same extent its predecessors are liable
3 for the alleged occurrences, damages and injuries.

4 11. Plaintiff alleges that Defendants acted as the employers and/or joint employers of
5 Plaintiff, and that they shared control of Plaintiff as an employee, either directly or
6 indirectly. This control includes, but is not limited to, the authority to hire and fire, assign work
7 tasks, engage in day-to-day supervision of employees, and controlling employee records.

8 12. Plaintiff alleges that Defendants were the alter-egos of one or more of the
9 remaining named and/or unnamed Defendants, and as hereinafter alleged, was acting for their
10 own benefit and/or the benefit of one or more of the remaining named and/or unnamed
11 Defendants. Plaintiff alleges that Defendants were acting on behalf of each other in the
12 establishment of, ratification of, and/or execution of the illegal practices and policies as set forth
13 in this pleading. Plaintiff is further informed and believes, and thereon alleges that at all times
14 relevant hereto Defendants had decision-making responsibility for, and establishment and
15 execution of, illegal practices and policies for each other and are, therefore, liable on the causes
16 of action herein.

17 13. Plaintiff alleges that at all material times, one or more of each unnamed
18 Defendants was in some fashion, by statute, law or otherwise, the agent, agency, branch,
19 department or the like of one or more of the remaining named and/or unnamed Defendants for
20 the acts alleged herein and was acting within that capacity.

21 14. Plaintiff further alleges that there exists such a unity of interest and ownership
22 between Defendants that the individuality and separateness of those Defendants have ceased to
23 exist. The business affairs of Defendants are, and at all times relevant hereto were, so mixed and
24 intermingled that the same cannot reasonably be segregated, and the same are in inextricable
25 confusion. Defendants were used as mere shells and conduits for the conduct of certain of other
26 Defendants' affairs. The recognition of the separate existence of Defendants would not promote
27 justice, in that it would permit Defendants to insulate themselves from liability to
28 Plaintiff. Accordingly, Defendants constitute the alter egos of each other, and the fiction of their

1 separate existence must be disregarded at law and in equity, because such disregard is necessary
2 to avoid fraud and injustice to Plaintiff herein.

3 **GENERAL ALLEGATIONS**

4 15. Throughout the class period, Niantic has fostered and maintained a Boys Club
5 culture and environment where male employees are valued and recognized over female
6 employees, where the men in leadership embrace, mentor, and funnel other men into higher level
7 positions while stifling the careers of women, where women are systematically underpaid,
8 underpromoted and underrecognized for their work, and where women who voice any concerns
9 about the sexual bias in the Niantic work culture are silenced and pushed out of the company.

10 16. In or around February 2020, Plaintiff, an Asian female, began her employment
11 with Niantic as an Associate Designer L3 making approximately \$33.66 per hour, or \$70,000
12 annually. At all times relevant herein, Plaintiff was qualified to perform her job and performed
13 her job well.

14 17. In approximately December 2020, Niantic promoted Plaintiff to User Experience
15 Designer L4, earning approximately \$84,000 annually.

16 18. In approximately 2021, Plaintiff learned that Niantic had been paying her male
17 colleague, who had recently entered the company as an apprentice, more than it had been paying
18 her. This was despite that Plaintiff had more experience, more tenure as an employee, more
19 responsibilities, and had a higher job title than he.

20 19. Although that information was disheartening to Plaintiff, she resolved to work
21 harder to prove herself to her male supervisors and get the promotions and raises that she
22 deserved. But despite her hard work, Plaintiff learned that the same male colleague, who served
23 in a lower job title and position than she, continued to out-earn her. As of 2022, he was paid
24 \$127,000 annually. Meanwhile, Plaintiff's job title was one level above his, yet she was only
25 paid \$105,000 annually.

26 20. During her approximately three and a half years as a user experience designer at
27 Niantic, Plaintiff consistently received positive feedback from her peers about her quality of
28 work, work ethic, and her skills as a team player. Plaintiff's peers consistently recognized her as

1 an employee who went above and beyond her duties. But Niantic continued to pay Plaintiff less
2 than her male colleagues – including those with lower job titles and fewer responsibilities.

3 21. In or around the spring of 2023, Niantic gave Plaintiff a pay raise to \$115,500.
4 This was still significantly less than the \$127,000 that her male colleague was paid the year prior
5 in a lower position.

6 22. In or around the spring of 2023, Plaintiff learned that Niantic had posted the pay
7 band for her job title and level, User Experience L4, as \$126,000 - \$154,000. Plaintiff therefore
8 learned that after receiving a raise she was still paid approximately \$11,000 below the pay band
9 for the job position in which Plaintiff had been working and receiving positive reviews from her
10 peers for over two years. Plaintiff also confirmed that her male peer in the same job title and
11 level was paid more than she was paid and was within the pay band listed for their position.

12 23. When Plaintiff learned that she was paid below the pay band for her position
13 while her male colleague was not, it again confirmed for her that Niantic did not value her as a
14 female employee of color. Plaintiff began asking her colleagues about their pay rates and pay
15 bands, advising them that she was paid below her pay band while men did not appear to be paid
16 below their pay bands.

17 24. Partly due to Plaintiff's raised concerns, sexism and equal pay became a topic of
18 discussion among female employees at Niantic, including in meetings at Niantic's employee
19 resources group for women, called Wolfpack. The women at Niantic seemed to collectively
20 agree that men were favored and valued over women. Other female colleagues confirmed for
21 Plaintiff that their experiences of being underpaid, undervalued, and stifled, were similar to her
22 experiences.

23 25. Plaintiff resolved to meet with Niantic's Diversity Equity and Inclusion Director
24 and Principal People Partner to discuss her concerns. At the meeting, Niantic's Diversity Equity
25 and Inclusion office and People Operations office made clear that they and male upper
26 management at Niantic were hostile to her complaints or voiced concerns about sexism or sexual
27 bias in the workplace. They told Plaintiff that her voiced concerns about workplace issues among
28 her colleagues had impacted Niantic's evaluation of her job performance in the past and would

1 continue to do so in the future. They claimed that the reason Plaintiff was paid below the pay
2 band for her position was that she had previously raised concerns among her colleagues about
3 the way employees were being treated (concerted activity that is protected under the law). They
4 also discouraged Plaintiff from discussing pay equity issues or sexual bias issues with her
5 colleagues including colleagues involved in Wolfpack moving forward.

6 26. Jane Doe left the meeting held with Niantic's Diversity Equity and Inclusion
7 Director and with Principal People Officer in fear of losing her job. She was so concerned about
8 her job following the meeting should she engage in any more public discussions about equal pay
9 and sexual bias at work that she immediately unsubscribed from Wolfpack in fear that her
10 association with Wolfpack would disadvantage Wolfpack employees or her. Plaintiff's anxiety
11 over the Boys Club environment became even more elevated when she realized that the direction
12 from the top of the organization was to silence any women who voiced dissent to the equal pay
13 and/or sexual bias or discrimination there.

14 27. In or around spring 2023, Wolfpack administered a survey of employees about
15 workplace culture. The results of the survey showed that many female employees viewed Niantic
16 as a sexist work culture that disadvantages female employees. The majority of employees
17 responding to the survey also expressed concerns about equal pay at Niantic.

18 28. When Wolfpack disclosed the survey results to Niantic, Niantic's Chief
19 Marketing Officer, Mike Quigley, required Wolfpack to remove references to Boys Club and
20 similar comments about sexism in the workplace from their presentation to Wolfpack members
21 about the results of the survey. Niantic also advised Wolfpack that it would no longer be
22 permitted to administer surveys of its employees without approval from the Niantic's upper
23 management.

24 29. Niantic's treatment of its female employees, including Plaintiff, sent them the
25 message that they were not valued at Niantic and would be held back in the workplace because
26 they are women and/or women of color. Niantic's treatment of its female employees who voiced
27 concerns about discrimination in the workplace also sent them the message that Niantic did not
28 tolerate any opposition to or concern about the way women were treated there. This treatment

1 created a hostile, offensive, and oppressive work environment that disrupted the emotional
2 tranquility and personal sense of well-being, including job security, of women and women of
3 color in the workplace including of Plaintiff.

4 30. On or around June 29, 2023, Niantic notified Plaintiff that it was laying her off as
5 an employee along with a large group of employees at Niantic's Los Angeles office effective on
6 July 1, 2023. Upon information and belief, the Los Angeles employees that survived the July 1,
7 2023 layoff were disproportionately men.

8 **CLASS ACTION ALLEGATIONS**

9 31. Plaintiff brings the causes of action on behalf of herself, where applicable, and on
10 behalf of the following proposed ("Class"):

11 All current or former female employees who worked in California from July 7,
12 2019 through the date of Preliminary Approval. Female is defined as: (a) any
13 person who identified as female during their employment with Niantic; (b) any
14 person whom Niantic had identified as female during their employment at
15 Niantic.

16 32. Alternatively, Plaintiff brings the causes of action, separately, on behalf of
17 herself, where applicable, and on behalf of the following proposed subclasses ("Subclasses"):

18 (a) Subclass 1: All current or former Niantic employees who worked in California from
19 July 7, 2019 through the trial of this matter and who identified as female, or whom
20 Niantic identified as female, during their employment with Niantic.

21 (b) Subclass 2: All current or former Niantic employees who worked in California from
22 July 7, 2019 through the trial of this matter and who identified as women of color, or
23 whom Niantic identified as women of color, during their employment with Niantic.

24 33. This action is appropriately suited for a class action pursuant to California Code
25 of Civil Procedure section 382 because there exists an ascertainable and sufficiently numerous
26 Class and/or Subclasses, a well-defined community of interest, and substantial benefits from
27 certification that render proceeding as a class superior to the alternatives.

28 34. Numerosity and Ascertainability: The size of the Class and/or Subclasses makes
a class action both necessary and efficient. The proposed Class includes hundreds of current and

former female Niantic employees located across California. Members of the Class and/or Subclasses are ascertainable through Niantic's records, but are so numerous that joinder of all individual class members would be impractical.

35. Predominant Common Questions of Law and Fact: Common questions of law and fact affecting the rights of all Class and/or Subclasses predominate over any individualized issues. These common questions include, but are not limited to:

- (a) Whether Niantic has a systemic policy and/or practice of paying its female employees at rates lower than those paid to its male employees performing substantially similar work under similar conditions, in violation of California Labor Code section 1197.5, *et seq.*;
- (b) Whether Niantic has a systemic policy and/or practice of paying its female non-white employees at rates lower than those paid to its white employees performing substantially similar work under similar conditions, in violation of California Labor Code section 1197.5, *et seq.*;
- (c) Whether Niantic has a systemic policy and/or practice of committing adverse employment actions against its female employees who engage in protected activities when requesting promotions, increases in pay, or equal pay, in violation of California Labor Code section 1197.5, *et seq.*;
- (d) Whether Niantic has a systemic policy and/or practice of committing adverse employment actions against its female employees because of their gender or sex, in violation of California Government Code section 12940(a), *et seq.*;
- (e) Whether Niantic has a systemic policy and/or practice of maintaining a hostile work environment due to sex or gender for its female employees because of their gender or sex, in violation of California Government Code section 12940(j)(1), *et seq.*;
- (f) Whether Niantic has a systemic policy and/or practice of committing adverse employment actions against its female employees for engaging in protected activities when opposing sex or gender discrimination, harassment, or retaliation in violation of California Government Code section 12940(h), *et seq.*;

(g) Whether Niantic has a systemic policy and/or policy of failing to prevent discrimination, harassment, and/or retaliation against its female employees because of their gender or sex, in violation of California Government Code section 12940(k) *et seq.*; and

(h) Whether Niantic has a systemic policy and/or practice of unlawful, unfair, or fraudulent business activities which allows it to unfairly compete in the marketplace.

36. Typicality: Plaintiff's claims are typical of the Class and/or Subclasses' Equal Pay Act claims because Plaintiff is an Asian woman who was employed by Niantic in California during the Class Period and was denied promotions and/or paid less than men and/or non-Asian women for substantially equal or similar work and retaliated against for asserting her rights under the Equal Pay Act. Plaintiff's claims are typical of the Class and/or the Subclasses' Fair Employment & Housing Act claims of women who were denied promotions and/or paid less than their male counterparts of substantially equal of similar work and/or discriminated, retaliated, or subjected to a hostile work environment because of her gender or sex.

37. Adequacy of Representation: Plaintiff will fairly and adequately represent the interest of the Class and/or Subclasses, and because her individual interests are consistent with, and not antagonistic to, the interests of the Class and/or Subclasses, and because Plaintiff has retained counsel who has the requisite resources and ability to prosecute this case as a class action and are experienced labor and employment attorneys who have successfully litigated other cases involving similar issues, including in class actions.

38. Superiority of Class Mechanism: Class certification is appropriate because common questions of law and fact predominate over any questions affecting only individual Class and/or Subclasses. Niantic's liability in this case is based on uniform company policies and procedures applicable to all employees. The compensation that Niantic owes to each individual Class member is small in relation to the expense and burden of individual litigation to recover that compensation. The prosecution of separate actions against Niantic by individual Class and/or Subclasses could create a risk of inconsistent or varying adjudications, which could establish incompatible standards of conduct for Niantic. A class action is superior to other available methods for the fair and efficient adjudication of the controversy set forth herein.

JURISDICTION AND VENUE

39. The California Superior Court has jurisdiction over this action pursuant to California Constitution Article VI, Section 10, which grants the Superior Court “original jurisdiction in all causes except those given by statute to other trial courts.” The statutes under which this action is brought do not specify any other basis for jurisdiction.

40. The events causing damage to Plaintiff, as described in this Complaint, all occurred within the City of Los Angeles, County of Los Angeles, State of California, which is within the jurisdictional boundaries of the Superior Court of the County of Los Angeles.

41. This Court has jurisdiction over this matter because Defendant Niantic is a corporation that maintains its headquarters in California, is licensed to do business in California, regularly conducts business in California, and committed and continues to commit the unlawful acts alleged herein California.

42. Venue is proper in this Court pursuant to California Code of Civil Procedure section 395.5. Niantic has an office in Los Angeles, which is where many Class and/or Subclasses have worked. Niantic’s obligation to treat and pay its female employees equally to its male employees, and to refrain from retaliation against employees who raise concerns over discrimination, and its liability for failing to meet its obligations, therefore arise in the County of Los Angeles.

43. Pursuant to California Code of Civil Procedure section 382, Plaintiff brings these claims individually and as a class action on behalf of a class of current and former employees of Niantic and who were discriminated against, harassed, retaliated against, or forced out for opposing discrimination, harassment, or retaliation or for asking for promotions or salary increases or were not equally paid for substantially similar work based on sex or gender or race, at any time four years prior to the filing of this Complaint.

44. This action is not subject to the Federal Class Action Fairness Act.

///

///

///

1 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

2 45. Plaintiff has complied with all conditions precedent (exhaustion of administrative
3 remedies) to jurisdiction. On or about July 7, 2023, Plaintiff filed a complaint of discrimination,
4 harassment, retaliation, and failure to take reasonable steps to prevent and remedy
5 discrimination, harassment, and retaliation, against Defendants under the provisions of the Fair
6 Employment and Housing Act (“FEHA”). The California Civil Rights Department (“CRD”)
7 issued a right-to-sue notice.

8 **FIRST CAUSE OF ACTION**

9 **Violation of the California Equal Pay Act**

10 **(By Plaintiff and the Class and/or Subclasses Against All Defendants)**

11 46. Plaintiff restates and incorporates by reference each and every allegation
12 contained in the foregoing paragraphs as though fully set forth herein, excepting those
13 allegations which are inconsistent with this cause of action.

14 47. Defendants have and continue to pay Plaintiff and/or the Class/or Subclasses at a
15 rate less than Defendants’ male employees and/or at a rate less than Defendants’ white
16 employees in violation of the California Equal Pay Act, California Labor Code section 1197.5, *et*
17 *seq.*

18 48. Plaintiff and Class and/or Subclasses were performing substantially similar work
19 as Defendants’ male employees and/or Defendants’ white employees with respect to their skill,
20 effort, and responsibility.

21 49. Plaintiff and the Class and/or Subclasses were performing substantially similar
22 work under similar working conditions as Defendants’ male employees and/or their white
23 employees.

24 50. Defendants caused, attempted to cause, contributed to, or caused the continuation
25 of the wage rate violations of the California Equal Pay Act.

26 51. Defendants willfully or recklessly disregarded the fact that their conduct was in
27 violation of the California Equal Pay Act.

55. The aforementioned acts were committed by Defendants, and each of them, by and through their respective officers, directors, managing agents, agents and/or representatives and/or were known to, aided, abetted, authorized by, ratified by and/or otherwise approved by their respective officers, directors, managing agents and/or representatives. The above acts of Defendants, and each of them, were despicable and committed knowingly, willfully, fraudulently, and/or maliciously, with the intent to harm, injure, vex, annoy, and oppress Plaintiff and the Class and/or Subclasses and with a conscious disregard of their rights. By reason thereof, Plaintiff and the Class and/or Subclasses seek punitive and exemplary damages from the named Defendants in an amount to be proven at trial.

SECOND CAUSE OF ACTION

Retaliation in Violation of California's Equal Pay Act

(By Plaintiff and the Class and/or Subclasses Against All Defendants)

56. Plaintiff restates and incorporates by reference each and every allegation contained in the foregoing paragraphs as though fully set forth herein, excepting those allegations which are inconsistent with this cause of action.

57. Plaintiff and the Class and/or Subclasses suffered discrimination and retaliation because of their protected conduct in violation of California Labor Code section 1197.5(k),

1 including with respect to their requests for promotions, increased compensation, and/or equal
2 pay.

3 58. Plaintiff and the Class and/or Subclasses' protected conduct were responded to by
4 Defendants with silencing, reprimands, denied promotions, refusals to provide increased
5 compensation or equal pay, demotions, reassignment, losses of benefits, suspensions,
6 terminations, and/or other adverse employment actions.

7 59. Plaintiff and the Class and/or Subclasses' protected conduct were substantial
8 motivating factors for the adverse employment actions.

9 60. As a direct, proximate, and legal result of Defendants' aforesaid wrongful
10 conduct, Plaintiff and the Class and/or Subclasses have been harmed in that they have suffered
11 the loss of past and future wages and earnings, benefits, and such additional amounts of money
12 they would have received if Defendants had not committed the adverse employment actions. As
13 a result of such discrimination and retaliation and their consequences, Plaintiff and the Class
14 and/or Subclasses have suffered additional economic harm and damages, to be stated according
15 to proof at trial.

16 61. As a result of Defendants' conduct as alleged herein, Plaintiff and the Class
17 and/or Subclasses have been required to retain counsel to represent them. Plaintiff and the Class
18 and/or Subclasses will continue to incur attorneys' fees and costs in an amount within the
19 jurisdictional limit of this Court. Plaintiff and the Class and/or Subclasses are therefore entitled
20 to an award based on the reasonable attorneys' fees necessarily incurred in the preparation and
21 prosecution of this action, in an amount to be stated according to proof at trial.

22 62. The aforementioned acts were committed by Defendants, and each of them, by
23 and through their respective officers, directors, managing agents, agents and or/representatives
24 and/or were known to, aided, abetted, authorized by, ratified by and/or otherwise approved by
25 their respective officers, directors, managing agents and/or representatives. The above acts of
26 Defendants, and each of them, were despicable and committed knowingly, willfully,
27 fraudulently, and or/maliciously, with the intent to harm, injure, vex, annoy, and oppress Plaintiff
28

1 and the Class and/or Subclasses seek punitive and exemplary damages from the named
2 Defendants in an amount to be proven at trial.

3 **THIRD CAUSE OF ACTION**

4 **Sex/ Gender Discrimination in Violation of California Government Code § 12940, *et seq.***
5 **(By Plaintiff and the Class and/or Subclasses Against All Defendants)**

6 63. Plaintiff restates and incorporates by reference each and every allegation
7 contained in the foregoing paragraphs as though fully set forth herein, excepting those
8 allegations which are inconsistent with this cause of action.

9 64. At all relevant times, Government Code section 12940(a) was in full force and
10 effect and was binding upon Defendants. Government Code section 12940(a) prohibits
11 Defendants from discriminating against any employee on the basis of sex or gender.

12 65. At all relevant times, Plaintiff and the Class and/or Subclasses were female and
13 therefore members of a protected group, pursuant to California Government Code sections
14 12926, 12945.

15 66. At all relevant times, Plaintiff and the Class and/or Subclasses performed their job
16 duties with positive results.

17 67. Upon information and belief, Plaintiff and the Class and/or Subclasses were
18 subjected to unlawful discrimination by Defendants, and each of them, because they are women
19 and/or women of color. Plaintiff and the Class and/or Subclasses' sex and/or gender and/or race
20 and/or color were motivating reasons for the harassment, discrimination, and/or retaliation
21 alleged herein.

22 68. Plaintiff is informed and believes, and thereupon alleges that, at all relevant times,
23 Defendants, and each of them, failed to implement and/or enforce their respective anti-
24 discrimination policies to the extent such policies existed. Instead, Defendants discriminated
25 against Plaintiff and the Class and/or Subclasses by preferring men in the workplace, particularly
26 with respect their hiring, promotions, and compensation, and by responding to male employees'
27 grievances and complaints swiftly and thoroughly, as compared to female employees' grievances
28 and complaints, which were more likely to be disregarded, not investigated, or mishandled.

1 69. Plaintiff is informed and believes, that Defendants' hiring, evaluation,
2 compensation, and promotion practices resulted in Defendants paying men more than similarly
3 situated women and putting men into higher level positions than similarly situated women.

4 70. Plaintiff is informed and believes, and thereupon alleges that, at all relevant times,
5 Defendants, and each of them, engaged in a practice and/or policy of permitting predominantly
6 male managers to steer and/or funnel employees to elevated job positions or higher pay based on
7 subjective preferences and/or based on personal relationships. Plaintiff is informed and believes,
8 and thereupon alleges that, at all relevant times, Defendants, and each of them, engaged in a
9 practice and/or policy of permitting predominantly male managers to determine compensation of
10 employees without sufficient objective factors to remediate for conscious or unconscious bias.
11 Plaintiff is informed and believes, and thereupon alleges that, at all relevant times, Defendants,
12 and each of them, engaged in a practice and/or policy of permitting predominantly male
13 managers to evaluate job performance of employees without sufficient objective factors to
14 remediate for conscious or unconscious bias. Plaintiff is informed and believes, and thereupon
15 alleges that, Defendants had an insufficient objective measure of equal treatment of employees in
16 place to ensure that Defendants' predominantly male managers were not favoring men over
17 women or women of color in their employment decisions, mentorships, and/or performance
18 evaluations. Defendants' practices and policies did in fact lead to Defendants elevating and
19 paying men more, and giving men more opportunities, than similarly situated women.
20 Defendants' policies, practices, and/or procedures therefore have had an unlawful disparate
21 impact on women.

22 71. Plaintiff is informed and believes, and thereupon alleges that, at all relevant times,
23 Defendants, and each of them, engaged in a practice of retaliation against employees who
24 opposed discrimination, harassment, or retaliation. Plaintiff is informed and believes that
25 retaliation by Defendants was a de facto policy coming from the top of the organization,
26 including from CEO John Hanke, from Defendants' Diversity Equity and Inclusion officer, and
27 from its human resources office. This practice had an unlawful disparate impact on women,
28

1 resulting in exacerbated and un-remedied discrimination, harassment, and/or retaliation against
2 them.

3 72. As a direct, proximate, and legal result of Defendants' aforesaid wrongful
4 conduct, Plaintiff and the Class and/or Subclasses have been harmed in that they have suffered
5 the loss of past and future wages and earnings, benefits, and such additional amounts of money
6 they would have received if Defendants had not discriminated against them. As a result of such
7 discrimination and its consequences, Plaintiff and/or the Class and/or Subclasses have suffered
8 additional economic harm and damages, to be stated according to proof at trial.

9 73. The acts of Defendants as alleged herein have been reckless and/or intentional, in
10 that Defendants, in conscious disregard of Plaintiff and the Class and/or Subclasses' rights, acted
11 so as to cause each of them to suffer a loss of employment benefits and suffer the injury,
12 humiliation, embarrassment, emotional distress and hardship alleged herein. As a direct and
13 proximate result, Plaintiff and the Class and/or Subclasses did suffer and still do suffer emotional
14 distress, anxiety, stress, and worry because of Defendants' conduct. Accordingly, Plaintiff and
15 the Class and/or Subclasses are entitled to recover general damages against said Defendants in a
16 sum in excess of the minimum jurisdictional limits of this Court, in an amount to be stated
17 according to proof at trial.

18 74. As a result of Defendants' conduct as alleged herein, Plaintiff and the Class
19 and/or Subclasses have been required to retain counsel to represent their interests. Plaintiff and
20 the Class and/or Subclasses will continue to incur attorneys' fees and costs in an amount within
21 the jurisdictional limits of this Court. Plaintiff and the Class and/or Subclasses are therefore
22 entitled to an award based on the reasonable attorneys' fees necessarily incurred in the
23 preparation and prosecution of this action, pursuant to Government Code section 12965(b),
24 which amount will be stated according to proof at trial.

25 75. The aforementioned acts were committed by Defendants, and each of them, by
26 and through their respective officers, directors, managing agents, and/or representatives and/or
27 were known to, aided, abetted, authorized by, ratified by and/or otherwise approved by their
28 respective officers, directors, managing agents and/or representatives. The above acts of

Defendants, and each of them, were despicable and committed knowingly, willfully, fraudulently, and/or maliciously, with the intent to harm, injure, vex, annoy, and oppress Plaintiff and the Class and/or Subclasses and with conscious disregard of their rights. By reason thereof, Plaintiff and the Class and/or Subclasses seek punitive and exemplary damages from the named Defendants in an amount to be proven at trial.

FOURTH CAUSE OF ACTION

Hostile Work Environment in Violation of California Government Code § 12940, et seq. (By Plaintiff and the Class and/or Subclasses Against All Defendants)

76. Plaintiff restates and incorporates by reference each and every allegation contained in the foregoing paragraphs as though fully set forth herein, excepting those allegations which are inconsistent with this cause of action.

77. At all times relevant for purposes of this Complaint, California Government Code section 12940, *et seq.* were in full force and effect and were binding on all Defendants. California Government Code section 12940(j)(1) states that it is unlawful “[f]or an employer...or any other person, because of...sex [and/or] gender, race...to harass an employee...”

78. Throughout their employment, Plaintiff and the Class and/or Subclasses were subjected to hostile work environment on the basis of her sex/gender. Said conduct was severe, pervasive, constant, and continuous, and was offensive, humiliating, and harassing to Plaintiff and the Class and/or Subclasses and would have been offensive to a reasonable person in Plaintiff and the Class and/or Subclasses’ circumstances.

79. Furthermore, by failing to conduct a reasonable investigation and not taking proper remedial action following Plaintiff and the Class and/or Subclasses and the Class and/or Subclasses’ complaints, Defendants ratified the unlawful conduct of their manager and supervisors.

80. As a direct, proximate, and legal result of Defendants’ aforesaid wrongful conduct, Plaintiff and the Class and/or Subclasses and the Class and/or Subclasses have been harmed in that they have suffered the loss of past and future wages and earnings, benefits, and such additional amounts of money they would have received if Defendants had not harassed

1 them. As a result of such harassment and its consequences, Plaintiff and the Class and/or
2 Subclasses have suffered additional economic harm and damages, to be stated according to proof
3 at trial.

4 81. The acts of Defendants as alleged herein have been reckless and/or intentional, in
5 that the Defendants, in conscious disregard of Plaintiff and the Class and/or Subclasses and the
6 Class and/or Subclasses' rights, acted so as to cause each of them to suffer a loss of employment
7 benefits and to suffer the injury, humiliation, embarrassment, emotional distress and hardship
8 alleged herein. As a direct and proximate result, Plaintiff and the Class and/or Subclasses and
9 the Class/or Subclasses did suffer and still do suffer emotional distress, anxiety, and worry
10 because of Defendants' conduct. Accordingly, Plaintiff and the Class and/or Subclasses and the
11 Class and/or Subclasses are entitled to recover general damages against said Defendants in sum
12 in excess of the minimum jurisdictional limits of this Court, in an amount to be stated according
13 to proof at trial.

14 82. As a result of Defendants' conduct as alleged herein, Plaintiff and the Class
15 and/or Subclasses have been required to retain counsel to represent their interests. Plaintiff and
16 the Class and/or Subclasses and the Class and/or Subclasses will continue to incur attorneys' fees
17 and costs in an amount within the jurisdictional limits of this Court. Plaintiff and the Class
18 and/or Subclasses and the Class and/or Subclasses are therefore entitled to an award based on the
19 reasonable attorneys' fees necessarily incurred in the preparation and prosecution of this action,
20 pursuant to Government Code section 12965(b), which will be stated according to proof at trial.

21 83. The aforementioned acts were committed by Defendants, and each of them, by
22 and through their respective officer, directors, managing agents, and/ or representatives and/or
23 were known to, aided, abetted, authorized by, ratified by and/or otherwise approved by their
24 respective officers, directors, managing agents, and/or representatives. The above acts of
25 Defendants, and each of them, were despicable and committed knowingly, willfully,
26 fraudulently, and/or maliciously, with the intent to harm, injure, vex, annoy, and oppress Plaintiff
27 and the Class and/or Subclasses and with a conscious disregard of their rights. By reasons
28

thereof, Plaintiff and the Class and/or Subclasses seek punitive and exemplary damages from the named Defendants in an amount to be proven at trial.

FIFTH CAUSE OF ACTION

**Retaliation in Violation of California Government Code § 12940, et seq.
(By Plaintiff and the Class and/or Subclasses Against All Defendants)**

84. Plaintiff restates and incorporates by reference each and every allegation contained in the foregoing paragraphs as though fully set forth herein, excepting those allegations which are inconsistent with this cause of action.

85. At all times relevant for the purposes of this complaint, the FEHA, California Government Code section 12940, *et seq.* was in full force and effect and binding on Defendants.

86. It is an unlawful employment practice to discharge, expel, or otherwise discriminate against any person because the person has opposed any practices as protected under California Government Code section 12940(h). Plaintiff and the Class and/or Subclasses and the Class and/or Subclasses engaged in protected activities including but not limited to, voicing opposition among peers to discrimination, harassment, and/or retaliation, lodging complaints, requesting equal pay or increased compensation, and/or requesting promotions.

87. As a result of engaging in protected activity, Plaintiff and the Class and/or Subclasses suffered denied promotions, refusals to provide increased compensation or equal pay, demotions, reassignment with significantly different responsibilities, losses of benefits, suspensions, terminations, and other adverse employment actions.

88. The adverse employment actions were substantially motivated by Plaintiff's and the Class and/or Subclasses' protected activities.

89. As a direct, proximate, and legal result of Defendants' aforesaid wrongful conduct, Plaintiff and the Class and/or Subclasses have been harmed in that they have suffered the loss of past and future wages and earnings, benefits, and such additional amounts of money they would have received if Defendants had not retaliated against them. As a result of such retaliation and its economic consequences, Plaintiff and the Class and/or Subclasses and/or the

1 Class and/or Subclasses have suffered additional economic harm and damages, to be stated
2 according to proof at trial.

3 90. The acts of Defendants as alleged herein have been reckless and/or intentional in
4 that Defendants, in conscious disregard of Plaintiff's and the Class and/or Subclasses' rights,
5 acted so as to cause each of them to suffer a loss of employment benefits and to suffer the injury,
6 humiliation, embarrassment, emotional distress and hardship alleged herein. As a direct and
7 proximate result, Plaintiff and the Class and/or Subclasses and the Class and/or Subclasses did
8 suffer and still do suffer emotional distress, anxiety, stress, and worry because of Defendants'
9 conduct. Accordingly, Plaintiff and the Class and/or Subclasses and the Class and/or Subclasses
10 are entitled to recover general damages against said Defendants in a sum in excess of the
11 minimum jurisdictional limits of this Court, in an amount to be stated according to proof at trial.

12 91. As a result of Defendant's conduct as alleged herein, Plaintiff and the Class
13 and/or Subclasses and the Class and/or Subclasses have been required to retain counsel to
14 represent their interests. Plaintiff and the Class and/or Subclasses will continue to incur
15 attorney's fees and costs in an amount within the jurisdictional limits of this Court. Plaintiff and
16 the Class and/or Subclasses are therefore entitled to an award based on the reasonable attorney's
17 fees necessarily incurred in the preparation and prosecution of this action, pursuant to
18 Government Code section 12965(b), which amount will be stated according to proof at trial.

19 92. The aforementioned acts were committed by Defendants, and each of them, by
20 and through their respective officers, directors, managing agents, agents and/or representatives
21 and/or were known to, aided, abetted, authorized by, ratified by and/or otherwise approved by
22 their respective officers, directors, managing agents and/or representatives. The above acts of
23 Defendants, and each of them, were despicable and committed knowingly, willfully,
24 fraudulently, and/or maliciously, with the intent to harm, injure, vex, annoy and oppress Plaintiff
25 and the Class and/or Subclasses and with a conscious disregard of their rights. By reason
26 thereof, Plaintiff and the Class and/or Subclasses seek punitive and exemplary damages from the
27 named Defendants in an amount to be proven at trial.

28 ///

SIXTH CAUSE OF ACTION

Failure to Prevent Discrimination and Harassment in Violation of California Government

Code § 12940, et seq.

(By Plaintiff and the Class and/or Subclasses Against All Defendants)

93. Plaintiff restates and incorporates by reference each and every allegation contained in the foregoing paragraphs as though fully set forth herein, excepting those allegations which are inconsistent with this cause of action.

94. At all times relevant for purposes of this Complaint, Government Code section 12940(k), *et seq.* was in full force and effect and binding on Defendants. It requires Defendants to, among other things, “take all reasonable steps necessary to prevent discrimination from occurring.”

95. In perpetuating the above-described acts and failures to act, Defendants violated California Government Code section 12940(k) by failing to take all reasonable steps necessary to prevent such discrimination, harassment, and retaliation based on gender and/or sex and/or race and/or color from occurring.

96. Defendants repeatedly violated California Government Code section 12940(k). Defendants’ acts and failures to act include but are not limited to, the following:

- (a) Having inadequate policies, practices and procedures and/or failing to implement policies, practices and procedures and/or having ineffective policies, practices, and procedures regarding Defendants’ obligation to refrain from harassment or discrimination;
- (b) Having inadequate policies, practices, and procedures and/or failing to implement policies, practices and procedures and/or having ineffective policies, practices and procedures regarding the handling of complaints or harassment or discrimination;
- (c) Failing to investigate when harassment or discrimination was reported, despite there being such reports;

- 1 (d) Failing to provide any and/or adequate training, education, or information to their
2 personnel, and most particularly to management and supervisory personnel with regard
3 to policies and procedures regarding preventing harassment or discrimination; and
4 (e) Failing to appoint a qualified, neutral third party to investigate an employee's
5 allegations.

6 97. During the entire relevant period, Defendants failed to take all reasonable steps to
7 prevent discrimination or harassment and such discrimination or harassment was condoned,
8 encouraged, tolerated, sanctioned, and ratified.

9 98. As a direct, proximate, and legal result of Defendant's aforesaid wrongful
10 conduct, Plaintiff and the Class and/or Subclasses have been harmed in that they have suffered
11 the loss of past and future wages and earnings, benefits, and such additional amounts of money
12 they would have received if Defendants had not retaliated against them. As a result of such
13 retaliation and its consequences, Plaintiff and the Class and/or Subclasses and/or the Class and/or
14 Subclasses have suffered additional economic harm and damages, to be stated according to proof
15 at trial.

16 99. The acts of Defendants as alleged here in have been reckless and/or intentional, in
17 that Defendants, in conscious disregard to Plaintiff and the Class and/or Subclasses' rights, acted
18 so as to cause each of them to suffer a loss of employment benefits and to suffer the injury,
19 humiliation, emotional distress, and hardship alleged herein. As a direct and proximate result,
20 Plaintiff and the Class and/or Subclasses did suffer and still do suffer emotional distress, anxiety,
21 stress, and worry because of Defendants' conduct. Accordingly, Plaintiff and the Class and/or
22 Subclasses and the Class and/or Subclasses are entitled to recover general damages against said
23 Defendants in a sum in excess of the minimum jurisdictional limits of this Court, in an amount to
24 be stated according to proof at trial.

25 100. As a result of Defendants' conduct as alleged herein, Plaintiff and the Class
26 and/or Subclasses have been required to retain counsel to represent their interests. Plaintiff and
27 the Class and/or Subclasses will continue to incur attorney's fees and costs in an amount within
28 the jurisdictional limits of this Court. Plaintiff and the Class and/or Subclasses are therefore

entitled to an award based on the reasonable attorneys' fees necessarily incurred in the preparation and prosecution of this action, pursuant to Government Code section 12650(b), which amount will be stated according to proof at trial.

101. The aforementioned acts were committed by Defendants, and each of them, by and through their respective officers, directors, managing agents, and or/representatives and/or were known to, aided, abetted, authorized by, ratified by and/or otherwise approved by their respective officers, directors, managing agents and/or representatives. The above acts of Defendants, and each of them, were despicable and committed knowingly, willfully, fraudulently, and/or maliciously, with the intent to harm, injure, vex, annoy, and oppress Plaintiff and the Class and/or Subclasses and the Class and with a conscious disregard of their rights. By reason thereof, Plaintiff and the Class and/or Subclasses and the Class and/or Subclasses seek punitive and exemplary damages from the named Defendants in an amount to be proven at trial.

SEVENTH CAUSE OF ACTION

Violations of Unfair Competition Law

(By Plaintiff and the Class and/or Subclasses Against All Defendants)

102. Plaintiff restates and incorporates by reference each and every allegation contained in the foregoing paragraphs as though fully set forth herein, excepting those allegations which are inconsistent with this cause of action.

103. California Business & Professions Code section 17200 *et seq.* prohibits any unlawful, unfair, or fraudulent business act or practice.

104. Plaintiff brings this cause of action in any representative capacity on behalf of the general public and the Class and/or Subclasses. Plaintiff and the Class and/or Subclasses have suffered and continue to suffer injury in fact and deprivation of wages and monies as a result of Defendants' actions

105. The actions of Defendants, as alleged herein, amount to conduct which is unlawful and in violation of law. As such, such conduct constitutes unfair business practices, in violation of Business & Professions Code section 17200, *et seq.*

1 106. Defendants' conduct as herein alleged has damaged Plaintiff and the Class and/or
2 Subclasses by denying them equal pay, promotions, increased compensation, and a working
3 environment free of discrimination, harassment, and retaliation. Defendants' actions are thus
4 substantially damaging to Plaintiff and the Class and/or Subclasses, causing them injury in fact
5 and loss of money.

6 107. As a result of such conduct, Defendants have unlawfully and unfairly obtained
7 monies owed to Plaintiff and the Class and/or Subclasses.

8 108. The proposed Class and/or Subclasses can be identified by reference to payroll
9 and related records in the possession of Defendants. The amount of wages due to Plaintiff and
10 the Class and/or Subclasses can be readily determined from Defendants' records and/or proper
11 scientific and/or expert evidence. Plaintiff and the proposed Class and/or Subclasses are entitled
12 to restitution of monies due and obtained by Defendants during the Class Period as a result of
13 Defendants' unlawful and unfair conduct.

14 109. During the Class Period, Defendants committed and continue to commit acts of
15 unfair competition as defined by Business & Professions Code section 17200, *et seq.*, by and
16 among other things, engaging in the acts and practices described above.

17 110. Defendants' course of conduct, acts, and practices in violation of the California
18 laws and regulations, as mentioned in each paragraph above, constitute distinct, separate, and
19 independent violations of Business & Professions Code section 17200, *et seq.*

20 111. The harm to Plaintiff and the class and/or Subclasses of being wrongfully denied
21 equal pay, promotions, increased compensation, and a working environment free of
22 discrimination, harassment, and retaliation, outweighs the utility, if any, of Defendants' policies
23 and practices, and therefore, Defendants' actions described herein constitute unfair business
24 practices or acts within the meaning of Business & Professions Code section 17200, *et seq.*

25 112. Defendants' conduct described herein threatens an incipient violation of
26 California's labor laws, and/or violates the policy or such spirit of such laws, or otherwise
27 significantly threatens or harms competition.
28

1 113. Defendants' course of conduct described herein further violates Business &
2 Professions Code section 17200, *et seq.* in that it is fraudulent, improper, and/or unfair.

3 114. The unlawful, unfair, and fraudulent business practices and acts of Defendants as
4 described hereinabove have injured Plaintiff and the Class and/or Subclasses in that they were
5 wrongfully denied equal pay, promotions, increased compensation, and a working environment
6 free of discrimination, harassment, and retaliation.

7 115. Defendants have been unjustly enriched as a direct result of their unlawful
8 business practices alleged in this complaint and will continue to benefit from those practices and
9 have an unfair competitive advantage if allowed to continue such practices. Under Business &
10 Professions Code section 17200, *et seq.* Plaintiff and the Class and/or Subclasses seek restitution
11 of all monies not paid to them by Defendants.

12 116. Plaintiff and the Class and/or Subclasses have no plain, speedy, or adequate
13 remedy at law as Defendants, unless enjoined by the Order of this Court, will continue to
14 systematically violate the provisions of the Labor Code and Government Code referenced herein.
15 Defendants' conduct is continuing, ongoing, capable of repetition, and will continue unless
16 retrained and enjoined by the Court. Accordingly, injunctive relief is proper and necessary
17 pursuant to California Business & Professions Code section 17203.

18 117. Plaintiff and the Class and/or Subclasses' efforts in securing the requested relief
19 will result "in the enforcement of an important right affecting the public interest" for "(a)
20 significant benefit, whether pecuniary or non-pecuniary, has been conferred on...a large class of
21 persons, (b) necessity and financial burden of private enforcement...are such to make the award
22 appropriate, and (c) such fees should not in the interest of justice be paid out the recovery, if
23 any." Plaintiff and the Class and/or Subclasses request that the Court also award reasonable
24 attorneys' fees pursuant to the provisions of California Code of Civil Procedure Code section
25 1021.5.

26 118. Plaintiff and the Class and/or Subclasses seek remedies and penalties pursuant to
27 California Business & Professions Code section 17205, which are cumulative to the remedies
28 and penalties available under other laws of this state.

EIGHTH CAUSE OF ACTION

Representative Action Pursuant to Labor Code §§ 2698, *et seq.*

(By Plaintiff and the Class and/or Subclasses Against All Defendants)

119. Plaintiff restates and incorporates by reference each and every allegation contained in the foregoing paragraphs as though fully set forth herein, excepting those allegations which are inconsistent with this cause of action.

120. Plaintiff is an aggrieved employee as defined in Labor Code § 2699. She brings this cause of action on behalf of herself and other aggrieved employees who have worked for or are working for Defendants, and all California employees.

121. As a result of the Defendants' practice of paying female employees at a lower regular wage rate than male employees, Defendants, and each of them, committed and continue to commit violations of the California Labor Code against Plaintiff and Defendants' similarly situated employees, including but not limited to violations of sections 201, 202, 203, 204, 210, 226, 1197.5, as well as violations of the Business and Professions Code, including but not limited to violations of sections 17200, *et seq.*

122. Plaintiff has filed claims with the Labor and Workforce Development Agency (LWDA) and has provided proper notice by certified mail to the Labor and Workforce Development Agency and Defendants, in accordance with Labor Code sections 2698, *et seq.* Plaintiff has not received a response from the LWDA, and 65 days have elapsed since Plaintiff's filing of the claims. The LWDA has not responded to Plaintiff's notice of her claims within 65 days of her filing of the notice. Therefore, Plaintiff can commence a civil action "as of right" under Labor Code section 2699.

123. As a result of the aforementioned violations, Plaintiff seeks all civil penalties available pursuant to Labor Code section 2698, *et seq.* Therefore, pursuant to the Labor Code, Plaintiff seeks and will be entitled to recover all civil penalties owed, attorneys' fees, and costs of suit. For all other violations which may be discovered in the course of this action, Plaintiff seeks to recover civil penalties under Labor Code section 2699(e) on behalf of herself, other

similarly situated current and former employees of Defendants, and the State of California, all in an amount to be proven at trial.

DEMAND FOR JURY TRIAL

124. Plaintiff, on behalf of herself and all others similarly situated, hereby demands a trial by jury.

WHEREFORE, Plaintiff, on behalf of herself and all others similarly situated, respectfully prays for relief, where applicable, against the Defendants as follows:

1. For economic damages for loss of past and future earnings, as well as loss of earning capacity, just promotions, advancement, and employment benefits, in excess of this Court's minimum jurisdictional limits and according to proof;
2. For general damages for pain and suffering, mental and emotional trauma and anguish, for the loss of enjoyment of life, according to proof;
3. For economic damages including resultant past and future medical care, job search costs, other economic damages, including incidental fees and/or other costs, and/or economic losses according to proof;
4. For compensatory damages, as against each named Defendant, according to proof;
5. For all wages (including base salary, bonuses, and stock) due to pursuant to California Labor Code § 1197.5(h) in an amount to be ascertained at trial;
6. For statutory and civil penalties arising from the violations of California Labor Code alleged herein, including under Labor Code §§ 2698, *et seq.*;
7. For liquidated damages pursuant to California Labor Code § 1197.5(h);
8. For punitive damages, as against each named Defendant, for the causes of actions alleged herein, according to proof;
9. For attorneys' fees, as provided by statute, according to proof;
10. For an order certifying this action as a class action;
11. For an order appointing Plaintiff Jane Doe as Class Representative and appointing Plaintiff's counsel as Class Counsel;

12. For prejudgment interest on unpaid wages at a rate of 10% per annum pursuant to California Labor Code § 1197.5(h) and California Civil Code §§ 3287-3288, and/or any other applicable provision for prejudgment interest;
13. For restitution of all monies due to Plaintiff and the Class/or Subclasses members, as well as disgorgement of Defendants' profits from its unlawful and/or unfair business practices;
14. For preliminary and permanent injunctive relief enjoining Defendants from violating California Labor Code § 1197.5, *et seq.*, by paying their female employees lower wages than they pay their male counterparts for substantially similar work; and from engaging in the unfair and unlawful business practices complained of herein in violation of California Business and Professions Code § 17200, *et seq.*, by paying their female employees lower wages than they pay their male counterparts for substantially similar work; and from engaging in the unfair and unlawful business practices complained of herein in violation of California Business & Professions Code § 17200, *et seq.*;
15. For such further relief that the Court may deem just and proper.

DATED: September 11, 2023

GENIE HARRISON LAW FIRM, APC

By: /s/ Genie Harrison.
GENIE HARRISON
MIA MUNRO
Attorneys for Plaintiff

DATED: September 11, 2023

JML LAW, A Professional Law Corporation

By: /s/ Nicholas Sarris.
JOSEPH M. LOVRETOVICH
NICHOLAS W. SARRIS
TALYA T. DELUYA
Attorneys for Plaintiff

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 523 W. 6th Street, Suite 707, Los Angeles, California 90014.

On September 11, 2023, I served the foregoing document described as **FIRST AMENDED COMPLAINT** on the interested parties in this action as follows:

LYNNE C. HERMLE lchermle@orrick.com ANJALI PRASAD VADILLO avadillo@orrick.com ZOE BROWN RUSSELL zrusell@orrick.com ORRICK, HERRINGTON & SUTCLIFFE LLP 1000 Marsh Road Menlo Park, CA 94025-1015 Telephone: +1 650 614 7400 Facsimile: +1 650 614 7401	
---	--



[By Electronic Service] Pursuant to the Court's Electronic Case Management Order, I institute service of the foregoing document by submitting an electronic version of the document via file transfer protocol (FTP) to Case Anywhere through the upload feature at www.caseanywhere.com. Service will be deemed effective as provided for in the Electronic Case Management Order.

Executed on September 11, 2023 at Los Angeles, California.



STATE I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



FEDERAL I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Zenia Anderson

