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ELECTRONICALLY
FILED
Superior Court of California, County of San Francisco
10/09/2025
Clerk of the Court
BY: JUDITH NUNEZ
Deputy Clerk

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SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN FRANCISCO – UNLIMITED JURISDICTION

VALENTINA MONTAGNA, on behalf of herself and behalf of all others similarly situated,

Plaintiff,

v.

FOX CORPORATION, TUBI, INC., and DOES 1 through 50, inclusive,

Defendants.

Case No. CGC-25-622792

FIRST AMENDED CLASS ACTION COMPLAINT FOR:

1. VIOLATION OF CALIFORNIA EQUAL PAY ACT;
2. GENDER DISCRIMINATION;
3. FAILURE TO PREVENT GENDER DISCRIMINATION;
4. WAITING TIME PENALTIES;
5. UNFAIR BUSINESS PRACTICES (*BUSINESS AND PROFESSIONS CODE* § 17200); AND
6. PENALTIES PURSUANT TO LABOR CODE SECTION 2699
7. VIOLATION OF THE EQUAL PAY ACT, 29 U.S.C. § 206(d)
8. SEX AND GENDER DISCRIMINATION, 42 U.S.C. §§ 2000e

DEMAND FOR JURY TRIAL

Plaintiff Valentina Montagna, hereby submits her First Amended Class Action Complaint against Defendants Fox Corporation, Tubi, Inc., and Does 1 through 50, inclusive, ("Defendants") on behalf of herself and the class of all other similarly situated current and former employees and common law employees of Defendants as follows:

I. NATURE OF THIS ACTION

1. This case emanates from a longstanding culture of corporate misogyny. A culture that has profited and continues to profit at the expense of its hardworking female workers. At its helm as of the filing of this complaint is a female CEO[1], but Defendant Tubi was acquired by Defendant Fox Corporation, a company with a storied history of discriminating against its women and then attempting to silence them when they stand up for their rights.

2. Plaintiff Valentina Montagna brings this class action on behalf of herself and on behalf of a class defined as all U.S. based female employees[2] (other than those in the sales team) working at Defendant Tubi, Inc. protected by California law and employed jointly by Defendants Tubi, Inc. and Fox Corporation (collectively "Defendants"), during the time period beginning August 29, 2020[3], through judgment in this action ("Class Period"). These employees share a community of interest and are similarly situated under California Code of Civil Procedure section 382.

3. Throughout the Class Period, Defendants have discriminated against its U.S. based female employees working at Defendant Tubi, Inc. by paying them less than their male counterparts performing substantially similar work under similar working conditions, when viewed as a composite of skill, effort, and responsibility, in violation of the California Equal Pay Act, Cal. Labor Code section 1197.5, as amended. Defendants' failure to pay U.S. based female

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[1] Plaintiff is informed and believes that said CEO's total compensation package is less than the former male CEO of Tubi.

[2] The Class Definition is subject to modification.

[3] The Parties entered into a tolling agreement covering this time period.

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employees' equal wages for performing substantially similar work is not justified by any lawful reason.

4. Throughout the Class Period, Defendants have also discriminated against its U.S. based female employees through its hiring and promotions policies. As a result, male employees are disproportionately hired or promoted into Tubi's upper management ranks, leaving women underrepresented in upper management and leadership roles. The disparities are particularly pronounced when comparing the percentages of woman versus men in executive and "C-suite" positions.

5. At all relevant times, Defendants have known or should have known of the pay disparity between genders, yet Defendants have taken no action to equalize pay for substantially similar work. Defendant's failure to pay U.S. based female employees the same wage rates paid to male employees for substantially similar work has been and is willful.

6. As a result of Defendants' discriminatory and unlawful pay and promotion policies and/or practices, Plaintiff and Class Members have been denied fair wages for all work performed during the Class Period and are entitled to wages due, interest thereon, and liquidated damages, plus interest. In addition to damages, Plaintiff also seeks declaratory and injunctive relief enjoining Defendants from continuing to pay U.S. based female employees less than male employees for substantially similar work.

II. <u>JURISDICTION AND VENUE</u>

7. The Court has jurisdiction over the violations of the California Labor Code §§ 200, 201-203, 1197.5, 12 California Code of Regulations § 11040, and California Business and Professions Code § 17200, et seq., (Unfair Practices Act).

8. Venue is proper because at least one Defendant maintains its headquarters in San Francisco County, and a substantial part of the unlawful practices and acts alleged herein occurred and continue to occur in this County.

III. <u>EXHAUSTION OF ADMINISTRATIVE REMEDIES</u>

9. On February 18, 2025, Plaintiff timely filed a charge of discrimination with the California Civil Rights Department ("CRD") against the above-referenced Defendants. Plaintiff requested, and the CRD issued, an immediate Right-to-Sue Notice. On October 30, 2024,

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Plaintiff submitted a letter the State's Labor Workforce Development Agency, outlining certain penalties available pursuant to Labor Code section 2699 ("PAGA") Accordingly, Plaintiff has timely exhausted her administrative remedies.

IV. PARTIES

10. Plaintiff Valentina Montagna was employed at Tubi's headquarters in San Francisco, California. She ceased employment in or around July 2024.

11. Defendant Fox Corporation is an American mass media company operated and controlled by media mogul Rupert Murdoch and headquartered at 1211 Avenue of the Americas, New York, NY 10036.

12. Defendant Tubi, Inc. is an ad-supported streaming service that is wholly owned and managed by Defendant Fox Corporation. Tubi's headquarters are located at 315 Montgomery Street, 16th Floor, San Francisco, CA 94104.

13. In addition to the above-referenced Defendants, Plaintiff sues fictitious defendants Does 1-50, inclusive, because their names, capacities, status, or facts showing them to be liable are not presently known. Plaintiff is informed and believes, and thereon alleges, that each of the fictitiously named Defendants is responsible in some manner for the occurrences herein alleged, and such Defendants caused Plaintiffs' damages as herein alleged. Plaintiff will amend this complaint to show their true names and capacities, together with appropriate charging language, when such information has been ascertained.

14. Plaintiff and the Plaintiff Class were victims of the policies, practices and customs of Defendants complained of in this action in ways that have deprived them of the rights guaranteed to them by the California Government Code §12940 et. seq. and the California Labor Code §§ 200, 201-203, 1197.5, 12 California Code of Regulations § 11040, and California Business and Professions Code §17200, et seq., (Unfair Practices Act).

15. Plaintiff is informed and believe that as of 2024 alone, Defendants employed approximately 300 female Plaintiff Class members.

16. At all times herein mentioned, each of said Defendants participated in the doing of the acts hereinafter alleged to have been done by the named Defendants; and furthermore, the Defendants, and each of them, were the agents, servants and employees of each of the other

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Defendants, as well as the agents of all Defendants, and at all times herein mentioned, were acting within the course and scope of said agency and employment.

17. Plaintiff is informed and believes that at all times material hereto, each of the Defendants named herein was the agent, employee, alter ego and/or joint venturer of, or working in concert with each of the other Co-Defendants and was acting within the course and scope of such agency, employment, joint venture, or concerted activity. To the extent said acts, conduct, and omissions were perpetrated by certain Defendants, each of the remaining Defendants confirmed and ratified said acts, conduct, and omissions of the acting Defendants. At all times herein mentioned, the Defendants, and each of them, aided and abetted the acts and omissions of each and all of the other Defendants in proximately causing the damages as herein alleged.

18. At all times herein mentioned, Defendants, and each of them, were members of, and engaged in, a joint venture, partnership and common enterprise, and acting within the course and scope of, and in pursuance of, said joint venture, partnership and common enterprise.

19. Defendants, and each of them, aided and abetted, encouraged, and rendered substantial assistance to the other Defendants in breaching their obligations to Plaintiff, as alleged herein. In taking action, as alleged herein, to aid and abet and substantially assist the commission of these wrongful acts and other wrongdoing complained of, each of the Defendants acted with an awareness of its/his/her primary wrongdoing and realized that its/his/her conduct would substantially assist the accomplishment of the wrongful conduct, wrongful goals, and wrongdoing. Defendants, and each of them, also knowingly and willfully conspired to do the acts and things herein alleged pursuant to, and in furtherance of, the conspiracy.

20. There is a unity of interest between Defendants, and each acts as the alter ego of the other. Additionally, at all times relevant herein, Defendants were joint employers of the Plaintiff Class, including Montagna, based upon: (1) common ownership; (2) common management; (3) functional integration of operations; and (4) centralized control of labor relations. (*See, e.g., Mathews v. Happy Valley Conference Center, Inc.* (2019) 43 Cal.App.5th 236, 248 [integrated enterprise test].)

21. The members of the Plaintiff Class, including the representative Plaintiff Montagna, have been employed during the Class Period. The practices and policies which are

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complained of by way of this Complaint are enforced throughout the State of California and the United States, who are employed as remote California employees.

V. FACTUAL ALLEGATIONS

22. Plaintiff incorporates all preceding paragraphs as though fully set forth herein.

Plaintiff Montagna's Employment with Defendants

23. In or around August 2022, Simone Magurno, Tubi's VP of Design, contacted Plaintiff for an introductory call regarding potential opportunities with Tubi. During the call, Magurno mentioned appreciating Montagna's background, experience, and the "diversity" she would bring.

24. Plaintiff did not understand what Magurno meant by "diversity" as she is a white woman from a Western country, but throughout her experience at Tubi, she came to believe it was referring to the mere fact that she was a woman. Upon information and belief, Plaintiff was given the opportunity because she was intended to be a diversity hire. Plaintiff was never given the type of work and assignments that her male counterparts received, nor did she receive work commensurate with her level of experience and qualifications.

25. Plaintiff interviewed and ultimately accepted the job with Tubi in late 2022 as a Senior Product Designer. When Plaintiff interviewed, she met with some people on the Design and Product teams, including a woman who was a Senior Product Designer. However, Plaintiff later learned that the Design team was primarily men, a fact easily hidden by the remote interview process. Shortly after Plaintiff's hire, the woman who was a Senior Product Designer on the Design team was abruptly let go.

Plaintiff Montagna is Treated Differently than Her Male Counterparts

26. Immediately thereafter, Plaintiff was asked to participate in Tubi interview panels to increase female representation in the panels, but she was then excluded from subsequent debrief sessions in favor of her male counterparts. When it came to hiring decisions, Plaintiff's interview feedback was not considered in the decisions.

27. In or around early 2023, Plaintiff discussed her career goals with Simone Magurno and expressed interest in the Design Manager track. Magurno suggested books with a male-skewed perspective and suggested Plaintiff instead talk with a Principal Software Engineer to

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nudge her in the direction of a Principal Designer track. Magurno never discussed the Design Manager track with Plaintiff again, and at some point, proceeded to hire a man as another Design Manager on Plaintiff's team.

28. During Plaintiff's tenure, she struggled to get meaningful projects assigned to her, often receiving small, menial tasks that left her with a light workload and little chance for success.\

Plaintiff Montagna Continues to Face Discrimination at Tubi

29. On or around February 12, 2023, Plaintiff reached out to her manager at the time, Theo Robinson, about the difficult relationship she was having with Product Managers, citing micromanagement and suggesting a reframing of their work collaboration. Robinson promised support in creating a better environment for Plaintiff and that he would look into the issue.

30. Shortly thereafter, Robison reframed the issue Plaintiff raised as a personal issue, reporting anonymous accusations that Plaintiff was "difficult to work with." He then asked Plaintiff to list actionable items to correct *Plaintiff's* behavior, effectively gaslighting her.

31. Plaintiff's mid-year review occurred shortly thereafter, and she again complained about the lack of opportunities she had within Tubi. Throughout Plaintiff's tenure, Plaintiff consistently made complaints about her workload and lack of opportunities.

32. The situation at Tubi did not improve for Plaintiff during her tenure. For example, while Tubi is primarily a "remote" company, they occasionally required employees to show up in person for on-site events. At one such event, Plaintiff's manager Robinson told her that the on-site was for "design management only," and since Plaintiff was not management, she was not to attend. However, as the date for the on-site drew closer, Magurno said he wanted to see all employees who lived near Tubi's San Francisco headquarters, including Plaintiff.

33. Plaintiff was not made aware of the activities that were prepared for the on-site, but once there, she discovered that another Design Manager, Ryan McCarthy, involved his whole team of designers in each of the sessions, even non-managers. Designers on McCarthy's team were able to participate in activities such as brainstorming for new initiatives in the next quarter, while Plaintiff was not.

34. In or around November 2023, Plaintiff met with Magurno for her one-year review and made reports regarding her lack of autonomy and strategic involvement in projects, the

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inability to lead projects and have a strategic impact, being blocked from proactively seeking work, and being excluded from meetings.

35. Unlike Plaintiff, a male colleague working remotely from Poland was actively supported by Magurno, who advocated for his continued employment and assigned him crucial projects, while Plaintiff remained sidelined.

36. In another instance, Plaintiff was excluded from the Tubi rebranding project, a large-scale initiative involving the rest of the Product Design team. She was not invited to meetings or involved in any related initiatives and was even told by a marketing team member that Magurno wanted to keep the project private, resulting in the exclusion of Plaintiff specifically.

Plaintiff Continues Reporting Unfair Treatment

37. In or around February 2024, Plaintiff completed another mid-year assessment, wherein she expressed frustration about the lack of growth opportunities and transparency in decision-making. She also described her struggles with the light workload, being assigned menial tasks, and the lack of ownership and strategic impact in her projects.

38. In or around June 2024, Plaintiff's manager reported another alleged complaint about Plaintiff's behavior. This prompted Plaintiff to constructively discharge herself and report the ongoing bullying to Human Resources (HR). Plaintiff thus reported the bullying she continued to face, the ongoing issue of having a light workload, and other discriminatory issues to HR. In response, Plaintiff was assigned to report to a new manager, Simone Magurno, for the remainder of her employment and was tasked with documenting the work she had done until the end of her employment on or around July 1, 2024.

39. Around this time, another employee confirmed with Plaintiff that they overheard open discussions about pushing Plaintiff out of her team. Plaintiff's last day of employment with Tubi was on or around July 1, 2024.

VI. CLASS ACTION ALLEGATIONS

40. Plaintiff incorporates all preceding paragraphs as though fully set forth herein.

41. This class action is brought on behalf of all California and United States employees.

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42. Plaintiff is informed and believes that Defendants have engaged in a pattern and practice paying females less than their male counterparts, and that her work experience as described above was not unique to her.

43. For the brave women who dare challenge this hostile culture or demand equal pay, the Fox/Tubi playbook is clear: high performing women are suddenly targeted with false and defamatory performance complaints and ultimately the women are relegated to roles where they are set up to feel like failures or simply resign when they find themselves ostracized and without a future at the company. Women are given the option of becoming collaborators with their abusers or questioning their own self-worth.

44. This is a discrimination and Equal Pay Act class action case pursuant to Code of Civil Procedure section 382, on behalf of Plaintiff and all U.S. based women working at Defendant Tubi, Inc. (excluding Tubi's Sales team) protected by California law and employed jointly by Fox Corporation from August 29, 2020, until the date of judgment in this action (hereafter referred to as "Plaintiff Class Period").

45. Unequal pay disparities are systemic at Tubi. Female C-Suite executives are paid like male colleagues beneath them in the organization and were considered SVPs (in the Fox hierarchy), while male C-Suite members were all ranked as EVPs and paid accordingly. Not even Tubi's Head of Legal or Head of Human Resources (Chief People Officer) were EVPs. This resulted in women in the C-Suite earning a fraction of what their male counterparts made. At other levels of management, pay disparities were also pronounced with females making as little as 61 percent of their male counterparts' compensation for the same levels of responsibility.

46. Plaintiff and members of the Plaintiff Class seek wages, penalties, other compensation, and damages from Defendants for the relevant time period because Defendants improperly failed to pay Plaintiff and members of the Plaintiff Class appropriate wages compared to their male counterparts doing substantially similar work and failed to pay Plaintiff and members of the Plaintiff Class wages upon termination.

47. Plaintiff is informed and believes that at all relevant times hereto, Defendants controlled Plaintiff's and the class members' recompense, determining pay, whether class members would in fact be paid timely, partially, or at all, whether commissions and/or bonuses

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and/or PTO would be paid, what items are reimbursable, and/or what benefits would be covered despite deducting from employees' pay for such benefits.

48. Plaintiff and other employees, at all relevant times worked under and subject to the control of Defendants as set forth in Defendants' numerous general overarching policies, practices, and procedures.

49. At all times, relevant hereto, California Labor Code § 201 required an employer that discharges an employee to pay compensation due and owing to said employee immediately upon discharge. California Labor Code § 202 requires an employer to pay an employee who quits any compensation due and owing to said employee within seventy-two (72) hours of an employee's resignation. California Labor Code § 203 provides that if an employer willfully fails to pay compensation promptly upon discharge or resignation, as required under Sections 201 and 202, then the employer is liable for waiting time penalties in the form of continued compensation for up to thirty (30) workdays.

50. Defendants willfully and knowingly failed to pay Plaintiff and the members of the plaintiff class, upon termination of employment, all accrued compensation.

51. Plaintiff is informed and believes that Defendants are and were advised by skilled lawyers, other professionals, employees with human resources background and advisors with knowledge of the requirements of wage and hour laws.

52. Plaintiff is informed and believes that at all relevant times, Defendants had a consistent policy or practice of failing to compensate the plaintiff class members, including Plaintiff, for all wages due.

53. Plaintiff brings this action on behalf of herself and all others similarly situated as a class action, pursuant to California Code of Civil Procedure section 382. The class which Plaintiff seeks to represent is composed of, and defined as follows:

54. All U.S. based women working at Defendant Tubi, Inc. (excluding Tubi's Sales team) protected by California law and employed jointly by Fox Corporation from August 29, 2020, until the date of judgment in this action (hereafter referred to as "the Plaintiff Class."

55. The Class Period is the period from August 29, 2020, through the date judgment is rendered in this matter.

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56. The class is so numerous that the individual joinder of all members is impracticable. While the exact number and identification of class members are unknown to Plaintiff at this time and can only be ascertained through appropriate discovery directed to Defendants, Plaintiff is informed and believes that the class includes hundreds of members.

57. Common questions of law and fact exist as to all members of the class, which predominate over any questions affecting only individual members of the class. These common legal and factual questions, which do not vary from class member to class member, and which may be determined without reference to the individual circumstances of any class member, include, but are not limited to, the following:

a. Whether Defendants failed to pay compensation owed to the members of the Class;

b. Whether Tubi has had systemic policy and/or practice of paying its U.S. based female employees less than what is paid to its male employees performing substantially similar work, when viewed as a composite of skill, effort, and responsibility, and performed under similar conditions;

c. Whether Defendants' systemic policy and/or practice of paying its U.S. based female employees less than that paid to their male counterparts violates the California Equal Pay Act, as amended, Cal. Labor Code § 1197.5;

d. Whether Defendants' systemic policy and/or practice of paying its U.S. based female employees less than that paid to their male counterparts violates the Fair Employment and Housing Act (FEHA), Cal. Gov't. Code § 12940(a), or Title VII of the Civil Rights Act of 1964;

e. Whether Defendants' systemic policy and/or practice of paying its U.S. based female employees less than that paid to male counterparts was willful;

f. Whether Defendants' have a systemic policy and/or practice of disproportionately hiring U.S. based female employees for lower level and

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lower grade positions as compared to male employees, leading to overall lower compensation;

g. Whether the members of the Plaintiff Class that are no longer employed by the Defendants are entitled to penalties pursuant to California Labor Code § 203;

h. Whether Defendants unlawfully and/or willfully failed to promptly pay compensation owing to Plaintiff and members of the class upon termination of their employment, in violation of California Labor Code §§ 201-203;

i. Whether Plaintiff and members of the Plaintiff Class sustained damages, and if so, the proper measure of such damages, as well as interest, penalties, costs, attorneys' fees, and equitable relief;

j. Whether Defendants' conduct as alleged herein violates the Unfair Business Practices Act of California, Bus. & Prof. Code § 17200, *et seq*.

58. The claims of the named Plaintiff are typical of the claims of the members of the Plaintiff Class. Plaintiff and other class members sustained losses, injuries and damages arising from Defendants' common policies, practices, procedures, protocols, routines, and rules which were applied to other class members as well as Plaintiff. Plaintiff seeks recovery for the same type of losses, injuries, and damages as were suffered by other members of the proposed class.

59. Plaintiff is an adequate representative of the proposed class because she is a member of the class, and her interests do not conflict with the interests of the members she seeks to represent. Plaintiff has retained competent counsel, experienced in the prosecution of complex class actions, and together Plaintiff and counsel intends to prosecute this action vigorously for the benefit of the class. The interests of the Class Members will fairly and adequately be protected by Plaintiff and her attorneys.

60. A class action is superior to other available methods for the fair and efficient adjudication of this litigation since individual litigation of the claims of all Class Members is impracticable. It would be unduly burdensome to the courts if these matters were to proceed on

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an individual basis because this would potentially result in hundreds of individual, repetitive lawsuits. Further, individual litigation presents the potential for inconsistent or contradictory judgments, and the prospect of a "race to the courthouse," and an inequitable allocation of recovery among those with equally meritorious claims. By contrast, the class action device presents far fewer management difficulties, and provides the benefit of a single adjudication, economics of scale, and comprehensive supervision by a single court.

61. The various claims asserted in this action are additionally or alternatively certifiable under the provisions of the California Code of Civil Procedure § 382 because:

a. The prosecution of separate actions by hundreds of individual class members would create a risk or varying adjudications with respect to individual class members, thus establishing incompatible standards of conduct for Defendants, and

b. The prosecution of separate actions by individual class members would also create the risk of adjudications with respect to them that, as a practical matter, would be dispositive of the interest of the other class members who are not a party to such adjudications and would substantially impair or impede the ability of such non-party class members to protect their interests.

FIRST CAUSE OF ACTION

VIOLATION OF THE CALIFORNIA EQUAL PAY ACT

(Cal. Labor Code §§ 1197.5, 1194.5)

62. Plaintiff hereby alleges and incorporates by reference all allegations in each preceding paragraph as if fully set forth herein.

63. Defendants willfully violated California Labor Code § 1197.5 by intentionally, knowingly, and deliberately paying U.S. based female employees less than their male counterparts for substantially similar work throughout the Plaintiff Class Period.

64. As a result of Defendants' conduct, violation of California Labor Code § 1197.5, and/or willful, knowing, and intentional discrimination, Plaintiff and Class Members have

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suffered and will continue to suffer harm, including but not limited to lost earnings, lost benefits, and other financial loss, as well as non-economic damages.

65. Plaintiff and Class Members are therefore entitled to all legal and equitable remedies available, including an injunction under Labor Code § 1194.5, attorney's fees under Labor Code § 1197.5 and Code of Civil Procedure §1021.5, and lost wages, interest, and liquidated damages.

SECOND CAUSE OF ACTION

GENDER DISCRIMINATION IN VIOLATION OF FEHA

(California Government Code § 12940, *et seq*.)

66. Plaintiff hereby realleges and incorporates by reference all allegations in each preceding paragraph as if fully set forth herein.

67. In relevant part, California Government Code §12940(a) provides that it shall be unlawful for an employer to discriminate against an employee in the terms and conditions of their employment because of their gender.

68. Plaintiff and the Plaintiff Class Members are U.S. based female employees of Tubi subject to California law and thus members of a protected class.

69. Defendants are employers as defined by the FEHA. Plaintiff and the Plaintiff Class Members were and are employees of Defendant, under the terms of the FEHA.

70. As set forth above, Defendants discriminated against Plaintiff and the Class Members because of their gender in pay and promotions. Plaintiff complained to Defendants regarding the discrimination, but Defendants allowed the discrimination to continue.

71. As a direct, legal, and proximate result of the discrimination, Plaintiff and the Plaintiff Class Members have suffered damages, including lost wages and other economic damages, emotional distress, and punitive damages, in an amount to be proven at trial.

72. By reason of the conduct of Defendants, Plaintiff necessarily retained attorneys to prosecute the action on behalf of herself and the class. Pursuant to California Government Code section 12965(b), as a result of Defendants' discrimination, Plaintiff and the class are entitled to recover damages for economic harm, attorneys' fees, costs, and expert witness fees. Plaintiff and the class are also entitled to recover attorneys' fees pursuant to California Code of Civil Procedure section 1021.5.

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73. Defendants' actions were ratified by managing agents, and were willful, malicious, fraudulent, and oppressive, and were committed with the wrongful intent to harm Plaintiff and the Class Members in conscious disregard of their rights. Plaintiff and the Class Members are therefore entitled to recover punitive damages from Defendants in an amount according to proof at trial.

74. Plaintiff timely exhausted administrative remedies and obtained a right to sue.

THIRD CAUSE OF ACTION

Failure to Prevent Gender-Based Discrimination
in Violation of FEHA

(California Government Code § 12940(k))

75. Plaintiff hereby realleges and incorporates by reference all allegations in each preceding paragraph as if fully set forth herein.

76. California Government Code section 12940(k) provides that it shall be an unlawful employment practice for an employer to fail to take all reasonable steps necessary to prevent discrimination, harassment, and retaliation from occurring in the workplace.

77. Plaintiff and the Plaintiff Class Members are female and are thus members of a protected class.

78. Defendants are employers as defined by FEHA.

79. Plaintiff and the Plaintiff Class Members were and/or are employees of Defendants under the terms of the FEHA.

80. Defendants failed to provide Plaintiff and the Class Members with protections required under California Government Code section 12940(k) by not taking immediate and sufficient action to correct the discriminatory conduct directed at its U.S. based female employees, even after being alerted repeatedly to the discrimination by Plaintiff.

81. As a direct, legal, and proximate result of the discrimination, Plaintiff and the Plaintiff Class Members have suffered damages, including lost wage and other economic damages, emotional distress, and punitive damages in an amount to be proven at trial.

82. By reason of the conduct of Defendants, Plaintiff has necessarily retained attorneys to prosecute the action on behalf of herself and the Class. Pursuant to California

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Government Code section 12965(b), and because of Defendants' discrimination, Plaintiff and the Class are entitled to recover attorneys' fees.

83. Defendant's actions were ratified by managing agents, and were willful, malicious, fraudulent, and oppressive, and were committed with wrongful intent to harm Plaintiff and the Class Members in conscious disregard of their rights. Plaintiff and the Class Members are therefore entitled to recover punitive damages from Defendant in an amount according to proof at trial.

84. Plaintiff timely exhausted administrative remedies and obtained a right to sue.

FOURTH CAUSE OF ACTION

FAILURE TO PAY WAGES AT TIME OF TERMINATION

(California *Labor Code* §§ 201-203)

85. Plaintiff realleges and incorporates all preceding paragraphs as though fully set forth herein.

86. At all times, relevant herein, Defendants were required to pay its employees all wages owed in a timely fashion during and at the end of their employment, pursuant to California Labor Code §§ 201-203.

87. Numerous employees no longer work for Defendants. As a pattern and practice, Defendants failed to pay proper final wages pursuant to California Labor Code §§ 201-203, and accordingly owe waiting time penalties pursuant to California Labor Code § 203.

88. The conduct of Defendants and its agents and managerial employees as described herein was willful, and in violation of the rights of Plaintiff and the class members.

89. Plaintiff is informed and believe that Defendants' willful failure to pay wages due and owing them upon separation from employment results in a continued payment of wages up to thirty (30) days from the time the wages were due. Therefore, Plaintiff and class members who have separated from employment are entitled to compensation pursuant to California Labor Code § 203.

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FIFTH CAUSE OF ACTION

UNLAWFUL AND UNFAIR BUSINESS PRACTICES

(Cal. Business & Professions Code § 17200 et seq.)

90. Plaintiff realleges and incorporates all preceding paragraphs as though fully set forth herein.

91. Section 17200 of the California Business and Professions Code prohibits any unlawful, unfair or fraudulent business act or practice. Labor Code section 90.5(a) articulates the public policies of this State to enforce vigorously minimum labor standards, to ensure that employees are not required or permitted to work under substandard and unlawful conditions, and to protect law-abiding employers and their employees from competitors who lower their costs by failing to comply with minimum labor standards. Defendants have violated statutes and public policies. Through the conduct alleged in this Complaint, Defendants, and each of them, have acted contrary to these public policies, have violated specific provisions of the Labor Code, and have engaged in other unlawful and unfair business practices in violation of Business & Profession Code § 17200, *et seq*., depriving Plaintiff, and all persons similarly situated, and all interested persons of rights, benefits, and privileges guarantees to all employees under law.

92. Unless restrained by this Court, Defendants will continue to engage in the unlawful conduct as alleged above. This Court should make such orders or judgments, including the appointment of a receiver, as may be necessary to prevent the use or employment, by Defendants, their agents or employees, of any unlawful or deceptive practice prohibited by the Business & Professions Code, including but not limited to, disgorgement of profits which may be necessary to restore Plaintiff to the money Defendants have unlawfully failed to pay.

93. Plaintiff brings this cause of action in a representative capacity on behalf of the general public and the persons affected by the unlawful and unfair conduct described herein. Plaintiff and members of the Plaintiff Class have suffered, and continue to suffer, injury in fact and monetary damages because of Defendants' actions.

94. The actions by Defendants as herein alleged amount to conduct which is unlawful and a violation of law. As such, said conduct amounts to unfair business practices in violation of California Business and Professions Code § 17200, *et seq*.

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95. Plaintiff is informed and believes Defendants' conduct as herein alleged has damaged Plaintiff and the members of the Plaintiff Class by denying them wages due and payable, by withholding and diverting pay, and denying benefits due to them, committing fraud, and by failing to pay all wages due in a timely manner at the time of termination. Defendants' actions are thus substantially injurious to Plaintiff and the members of the Plaintiff Class, causing them injury in fact and loss of money.

96. Because of such conduct, Defendants have unlawfully and unfairly obtained monies due to the Plaintiff and the members of the Plaintiff Class.

97. All members of the Plaintiff Class can be identified by reference to payroll and related records in the possession of the Defendants. The amount of wages due to Plaintiff and members of the Plaintiff Class can be readily determined from records. The Class Members are entitled to restitution of monies due and obtained by Defendants during the Class Period as a result of Defendants' unlawful and unfair conduct.

98. During the Class Period, Defendants committed, and continues to commit, acts of unfair competition as defined by § 17200, *et seq*., of the Business and Professions Code, by and among other things, engaging in the acts and practices described above.

99. Defendants' course of conduct, acts, and practices in violation of the California law as mentioned in each paragraph above constitutes a separate and independent violation of § 17200, etc., of the Business and Professions Code.

100. The harm to Plaintiff and the members of the Plaintiff Class of being wrongfully denied lawfully earned and unpaid wages outweighs the utility, if any, of Defendants' policies and practices and, therefore, Defendants' actions described herein constitute an unfair business practice or act within the meaning of Business and Professions Code § 17200.

101. Defendants' conduct described herein threatens an incipient violation of California's wage and hour laws, which is a fundamental right of these employees, and/or violates the policy or spirit of such laws, or otherwise significantly threatens or harms competition.

102. Defendants' course of conduct described herein further violates California Business and Professions Code § 17200 in that it is fraudulent, improper, and unfair.

103. The unlawful, unfair, and fraudulent business practices and acts of Defendants as described herein-above have injured Plaintiff and members of the Plaintiff Class in that they were wrongfully denied the timely and full payment of wages due to them.

SIXTH CAUSE OF ACTION

PENALTIES PURSUANT TO LABOR CODE SECTION 2699

104. Plaintiff realleges and incorporates herein by reference each and every allegation contained in the preceding paragraphs of this complaint as though fully set forth herein.

105. Plaintiff, as an aggrieved employee, hereby seeks recovery of civil penalties as prescribed by the *Labor Code's* Private Attorneys General Act (hereafter referred to as "PAGA") on behalf of herself and other aggrieved employees against whom one or more of the violations of the *Labor Code* were committed.

106. On October 30, 2024, Plaintiff sent a certified letter to the Labor Workforce and Development Agency ("LWDA") and Defendants, as prescribed by *Labor Code* § 2699.3 regarding Plaintiff's claims for penalties pursuant to *Labor Code* sections 203 *et seq.* Therefore, pursuant to *Labor Code* § 2699.3(a)(2)(A), Plaintiff is entitled to commence a civil action for the claims outlined in Plaintiff's letters.

107. More than sixty-five (65) days have passed since the postmark date of that notice and the LWDA has not indicated that it intends to investigate the alleged violations. Therefore, pursuant to *Labor Code* § 2699.3(a)(2)(A), Plaintiff is entitled to pursue the claims by way of civil action.

108. Plaintiff and aggrieved employees are entitled to penalties for the violations alleged herein to be proven at the time of trial, allocated 75% to the LWDA and 25% to the affected employees, subject to the following formula:

a. $100.00 for the initial violation per employee per pay period; and

b. $200.00 for each subsequent violation per employee per pay period for malicious, fraudulent, or oppressive conduct.

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SEVENTH CAUSE OF ACTION

VIOLATION OF THE EQUAL PAY ACT

(29 U.S.C. § 206(d))

109. Plaintiff realleges and incorporates herein by reference each and every allegation contained in the preceding paragraphs of this complaint as though fully set forth herein.

110. At all relevant times, Defendants have been employers within the meaning of the Equal Pay Act, 29 U.S.C. § 203(d), and subject to the provisions of the Fair Labor Standards Act, including the Equal Pay Act, 29 U.S.C. § 206(d).

111. At all relevant times, Plaintiff and the Plaintiff Class Members were employees within the meaning of the Equal Pay Act, 29 U.S.C. § 203(e)(1).

112. The Equal Pay Act prohibits employers from discriminating "between employees on the basis of sex by paying wages to employees... at a rate less than the rate at which [the employer] pays wages to employees of the opposite sex... for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions."

113. Throughout their employment with Defendants, Plaintiff and the Plaintiff Class Members occupied positions requiring similar or equal skill, effort, and responsibility as performed by their male counterparts under similar working conditions. Upon information and belief, Defendants paid the male counterparts higher rates than Plaintiff and the Plaintiff Class Members for substantially equal work.

114. As alleged herein, Defendants engaged in a pattern and practice of paying Plaintiff and the Plaintiff Class Members less than their male counterparts for substantially equal work. This pattern extended across the company, including at the executive level.

115. The disparities in pay cannot be explained by seniority, merit, quantity or quality of production, or factors other than sex. Rather, the disparity was based on sex.

116. Defendants willfully violated the Equal Pay Act by intentionally paying Plaintiff and the Plaintiff Class Members less than similarly situated male counterparts. This willfulness is evidenced by, among other things:

a. Defendants' failure to implement proper compensation reviews and salary banding;

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b. Explicit statements by Defendants' executives acknowledging the compensation issues; and

c. Defendants' retaliatory response to individuals' attempts to address pay equity concerns.

117. As a direct and proximate result of Defendants' willful violations of the Equal Pay Act, Plaintiff and the Plaintiff Class Members have suffered lost wages, lost benefits, and other compensatory damages.

118. Pursuant to 29 U.S.C. § 216(b), Plaintiff and the Plaintiff Class Members are entitled to recover from Defendants unpaid wages, an additional equal amount as liquidated damages, reasonable attorneys' fees, and costs of this action.

EIGHTH CAUSE OF ACTION

SEX AND GENDER DISCRIMINATION IN VIOLATION OF TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

(42 U.S.C. §§ 2000e et seq.)

119. Plaintiff hereby realleges and incorporates by reference all allegations in each preceding paragraph as if fully set forth herein.

120. In relevant part, 42 U.S.C. § 2000e-2 provides that it shall be unlawful for an employer to discriminate against an employee in the compensation, terms, conditions, or privileges of employment because of their sex.

121. Plaintiff and the Plaintiff Class Members are U.S. based female employees of Tubi and thus members of a protected class.

122. Defendants are employers as defined by Title VII. Plaintiff and the Plaintiff Class Members were and are employees of Defendant, under the terms of Title VII.

123. As set forth above, Defendants intentionally discriminated against Plaintiff and the Class Members because of their sex and gender in pay and promotions. Plaintiff complained to Defendants regarding the discrimination, but Defendants allowed the discrimination to continue.

124. As a direct, legal, and proximate result of the discrimination, Plaintiff and the Plaintiff Class Members have suffered damages, including lost wages and other economic damages, in an amount to be proven at trial.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiff, on behalf of herself and on behalf of the members of the Plaintiff Class, pray for judgment against Defendants as follows:

1. That the Court determine this action may be maintained as a class action;
2. All wages due pursuant to California Labor Code section 1197.5(h) in an amount to be ascertained at trial;
3. For liquidated damages pursuant to California Labor Code section 1197.5(h);
4. For prejudgment interest and unpaid wages at a rate of 10 % per annum pursuant to California Labor Code section 1197.5(h) and California Civil Code sections 3287-3288, and/or any other applicable provision for providing prejudgment interest;
5. For declaratory relief against Defendants finding Defendants' employment policies, practices, and/or procedures challenged herein are illegal and in violation of the rights of Plaintiff and members of the Class under California Government Code section 12940 *et seq.*;
6. For restitution of all monies due to Plaintiff and Class Members, as well as disgorgement of Defendants' profits from their unlawful and/or unfair business practices;
7. For back pay, front pay, injunctive relief, and emotional distress damages arising from the discrimination against the class of U.S. based female employees described above as authorized by California Government Code § 12965(b) and 42 U.S.C. § 2000e-5(g) and (k);
8. For an award of exemplary and punitive damages in an amount commensurate with Defendants' ability to pay and to deter future conduct;
9. For preliminary and permanent injunctive relief under, *inter alia*, California Labor Code section 1194.5, enjoining Defendants from violating California Labor Code section 1197.5 by paying its U.S. based female employees less than that paid to their male counterparts for substantially similar work and by disproportionately relegating U.S. based female employees to lower-paying and lower grade jobs while disproportionately excluding U.S. based female employees from leadership and

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management positions, and from engaging in the unfair and unlawful business practices complained of herein;

10. For disgorgement of profits as well as restitutionary, declaratory, and equitable remedies authorized by the Business and Professions Code section 17203;

11. For unpaid wages, an additional equal amount as liquidated damages, reasonable attorneys' fees, and costs of this action, as authorized by 29 U.S.C. § 216(b);

12. For reasonable attorneys' fees and costs pursuant to California Labor Code section 1197.5(h), Code of Civil Procedure section 1021.5, California Government Code section 12965(b), Cal. Labor Code section 1102.5, and/or any other applicable provision providing for attorneys' fees and costs; and

13. For such further relief that the Court may deem just and proper.

VII. JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable as a matter of right.

Dated: October 8, 2025

ALDERLAW, PC

By: ______________________________
Michael Alder, Esq.
Elana R. Levine, Esq.

Attorneys for Plaintiffs

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PROOF OF SERVICE

Valentina Montagna v. Fox Corporation, et al.
San Francisco Superior Court Case No. CGC-25-622792

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 12800 Riverside Drive, 2nd Floor, Valley Village, CA, 91607.

On October 9, 2025, I served the foregoing document(s) described as **PLAINTIFF'S FIRST AMENDED CLASS ACTION COMPLAINT,** on all interested parties in this action as set forth on the attached service list in the following manner:

☐ **BY MAIL:** I am familiar with this firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the United States Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business.

☐ **BY FACSIMILE:** In addition to service by mail as set forth above, a copy of said document(s) was also delivered by facsimile transmission to the addressee(s) pursuant to Code of Civil Procedure §1013(e).

☐ **BY OVERNIGHT MAIL:** I caused said document(s) to be picked up via FEDERAL EXPRESS for delivery to the addressee(s) set forth on the attached service list on the next business day.

☐ **BY PERSONAL SERVICE:** I caused said document(s) to be delivered via personal delivery to the addressee(s) set forth on the attached service list.

☒ **BY ELECTRONIC SERVICE:** Pursuant to the agreement of the parties, I caused the document(s) listed above to be delivered via electronic mail to the parties in this action using the email addresses identified on the attached Service List. After transmitting the documents, and waiting a reasonable time thereafter, I did not receive an error message or any other electronic message or other indication that the transmission was unsuccessful. We will provide a physical copy, on request only.

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

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

Executed on October 9, 2025, at Los Angeles, California.

Michelle Tanzer

SERVICE LIST

Valentina Montagna v. Fox Corporation, et al.
San Francisco Superior Court Case No. CGC-25-622792

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