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

JANE DOE 1, individually and
on behalf of others similarly situated;
and JANE DOE 2, individually and
on behalf of others similarly situated

Plaintiffs,

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

SECOND AMENDED COMPLAINT FOR:

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 § 12940(j)(1));
5. Retaliation in Violation of the Fair

FILED
Superior Court of California
County of Los Angeles
09/28/2023
David W. Slayton, Executive Officer / Clerk of Court
By: M. Molinar Deputy

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- 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 COME Plaintiffs Jane Doe 1 and Jane Doe 2 to submit this Second Amended 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 10, inclusive, (collectively “Defendants”) as follows:

NATURE OF ACTION

1. This is a case about systemic sexual bias at Niantic. Plaintiff Jane Doe 1 was an employee of Niantic, Inc. from approximately February 2020 until July 1, 2023. Plaintiff Jane Doe 2 was an employee of Niantic, Inc. from approximately December 2018 until July 1, 2023. Throughout Plaintiffs’ employment with Niantic, Niantic systemically devalued the work of female employees and especially women of color, including Plaintiffs. Throughout Plaintiffs’ employment with Niantic, Niantic denied equal pay and stifled the careers of women and women of color, like Plaintiffs. The blatant favoritism that Niantic has given to men comes from the top of the organization, including from Niantic’s Chief Executive Officer 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

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

7 2. Plaintiffs seek 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
9 themselves and on behalf of a proposed class of similarly-situated current and former California
10 employees of Niantic, Plaintiffs bring this class action lawsuit to obtain monetary damages,
11 penalties, restitution and public injunctive relief to require Niantic to reckon with and remedy the
12 Boys Club that it has created and maintained for years.

13 3. Specifically, Plaintiffs seek to stop Niantic’s custom and practice of fostering
14 sexual bias in employment decisions including: (a) paying women less than similarly-situated
15 men; (b) paying women of color less than similarly-situated white persons; (b) promoting
16 similarly-situated men more frequently than women who are equally or more qualified for
17 promotions; (c) assigning women to lower paid positions than similarly-situated men, even when
18 these women’s qualifications were equal to or greater than the men’s qualifications; (d)
19 retaliating against female employees who express concerns about the workplace, including
20 concerns regarding discrimination and equal pay issues; (e) creating and maintaining a hostile
21 work environment for women based on the blatant and systemic devaluation of female
22 employees including through compensation, job title assignment, and based on systemic
23 silencing of and retaliation against female employees who oppose sexual bias in the workplace;
24 and (f) creating, encouraging, and maintaining a work environment that exposes its female
25 employees to discrimination, harassment, and retaliation.

26 **THE PARTIES**

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

1 5. Plaintiff Jane Doe 2 is an adult resident of the County of Los Angeles State of
2 California, and performed work at Niantic from approximately December 2018 until July 2023.

3 6. Defendant Niantic is a corporation organized and existing under the laws of the
4 State of Delaware, with its principal place of business located at 1 Ferry Building, #200, San
5 Francisco, California 94111. Niantic was founded in 2015 and is a software development
6 company and game developer, best known for creating and selling augmented reality games such
7 as “Pokemon Go” and “Ingress.” Niantic operates offices in Los Angeles, San Francisco,
8 Sunnyvale, Bellevue, Lawrence, Tokyo, Bristol, Hamburg, and Zurich, and has approximately
9 800 employees. At all relevant times, Niantic was and is doing business in the City of Los
10 Angeles, State of California.

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

18 8. Whenever and wherever reference is made in this complaint to any act or failure
19 to act by a Defendant or Defendants, such allegations and references shall also be deemed to
20 mean the acts and/or failures to act by each Defendant acting individually, jointly, and/or
21 severally.

22 9. Plaintiffs are informed and believe, and based thereon alleges, that at all material
23 times, one or more of each named and/or unnamed Defendants was the agent, servant, employee,
24 or employer of one or more of the remaining named and/or unnamed Defendants and, as
25 hereinafter alleged, was acting within the scope of such authority, consent, agency, servancy, or
26 employment.

27 10. Plaintiffs are informed and believe, and based thereon allege, that at all material
28 times, one or more of each named and/or unnamed Defendants was in some fashion, by contract

1 or otherwise, the predecessors, affiliates, alter egos, assigns, joint-venturers, co-venturers or
2 partners of one or more of the remaining named and/or unnamed Defendants, and as hereinafter
3 alleged, was acting within that capacity.

4 11. Plaintiffs are further informed and believe, and on that basis allege, that one or
5 more of the remaining named and/or unnamed Defendants are the successors of one or more of
6 the remaining named and/or unnamed Defendants. Such successors are liable for the
7 occurrences, damages, and injuries alleged herein to the same extent its predecessors are liable
8 for the alleged occurrences, damages and injuries.

9 12. Plaintiffs allege that Defendants acted as the employers and/or joint employers of
10 Plaintiffs, and that they shared control of Plaintiffs as employees, either directly or
11 indirectly. This control includes, but is not limited to, the authority to hire and fire, assign work
12 tasks, engage in day-to-day supervision of employees, and controlling employee records.

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

22 14. Plaintiffs allege that at all material times, one or more of each unnamed
23 Defendants was in some fashion, by statute, law or otherwise, the agent, agency, branch,
24 department or the like of one or more of the remaining named and/or unnamed Defendants for
25 the acts alleged herein and was acting within that capacity.

26 15. Plaintiffs further allege that there exists such a unity of interest and ownership
27 between Defendants that the individuality and separateness of those Defendants have ceased to
28 exist. The business affairs of Defendants are, and at all times relevant hereto were, so mixed and

1 intermingled that the same cannot reasonably be segregated, and the same are in inextricable
2 confusion. Defendants were used as mere shells and conduits for the conduct of certain of other
3 Defendants' affairs. The recognition of the separate existence of Defendants would not promote
4 justice, in that it would permit Defendants to insulate themselves from liability to
5 Plaintiffs. Accordingly, Defendants constitute the alter egos of each other, and the fiction of their
6 separate existence must be disregarded at law and in equity, because such disregard is necessary
7 to avoid fraud and injustice to Plaintiffs herein.

8 GENERAL ALLEGATIONS

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

16 17. CEO John Hanke, who sits at the top of the company, has authority over
17 personnel decisions for all employees. Upon information and belief, Hanke's approval is
18 required for every compensation and promotion decision with respect to every employee at
19 Niantic. Upon information and belief, Hanke surrounds himself with his male friends at Niantic,
20 to whom he has granted broad power and little accountability. The existence of this group of
21 Hanke's male friends with influence at Niantic is so well-known by employees that employees
22 have named the group "Friends of John," or for short, "FOJ." The group known as "FOJ" is
23 exclusively comprised of men. Each member of "FOJ" also surrounds themselves with their male
24 friends, resulting in male-dominated circles of influence at Niantic that largely exclude women.

25 18. Niantic's executive officer team (some, but not all of whom are "FOJ") is also
26 exclusively male. This includes Niantic's Chief Executive Officer, Chief Financial Officer, Chief
27 Technology Officer, Chief Marketing Officer, Chief Product Officer, and General Counsel.
28 Although Niantic's Chief People Officer and Chief Operations Officer were once women, upon

1 information and belief, both women left the company, leaving an exclusively male executive
2 leadership team.

3 19. Upon information and belief, operations at each of Niantic's physical offices are
4 also run by male managers. Upon information and belief, each of Niantic's physical offices has
5 its own Boys Club culture created and maintained by the men running their offices and supported
6 by Niantic's male executive leadership team. The Los Angeles office at Niantic was particularly
7 notorious among employees for its Boys Club culture, where three men ran the office, putting
8 their male friends in positions of power, and where this male leadership disregarded the
9 contributions of female employees.

10 20. The dominance of men in almost every facet of leadership at Niantic is perceived
11 by female employees to be indicative of the preference of Niantic's leadership team to work with
12 and to rely on other men, and leadership's failure to recognize the abilities and talents of women,
13 caused by bias that has been largely unchecked at Niantic through today.

14 21. Upon information and belief, Niantic, at the behest of male management, and due
15 to sexual bias, has down-leveled female employees in California at hire, meaning Niantic has
16 hired them at lower job titles and lower compensation rates than their qualifications and
17 experience merit. Upon information and belief, although Niantic has hired female employees in
18 California at lower titles and compensation than is or was merited, Niantic still has required its
19 down-leveled female employees to perform work above the job titles at which they are or were
20 being paid. This has resulted in women getting paid less than their male peers for substantially
21 similar work. Upon information and belief, Niantic's male management also has made it difficult
22 for down-leveled female employees to obtain promotions in job title despite that they are or were
23 performing work at the level of higher job titles. This, in turn, has perpetuated and exacerbated
24 the gender pay disparity at Niantic. Upon information and belief, Niantic's male management
25 has not engaged in this same pattern and practice with respect to its male employees.

26 22. Upon information and belief, Niantic's pattern and practice of down-leveling
27 female employees at the time of hire and creating barriers to their advancement at the company is
28 continuing and ongoing. Upon information and belief, this practice has been the subject of

1 multiple complaints by women at Niantic, but Niantic has not taken any action to stop this
2 practice.

3 23. Upon information and belief, due to sexual bias, Niantic’s male managers subject
4 female employees to far more scrutiny in their job performance than their male peers, and credit
5 male employees for the work of their female colleagues. This also results in a gender pay
6 disparity at Niantic that is charged with and caused by sexual bias.

7 24. Upon information and belief, the sexual bias of Niantic’s male managers
8 influences their performance reviews and performance ratings of employees, resulting in men
9 receiving disproportionately more promotions and higher compensation than their female
10 colleagues who perform as well or better than them. Upon information and belief, this practice
11 has been the subject of multiple complaints by women at Niantic, and Niantic has not taken any
12 action to stop this practice. Indeed, upon information and belief, in at least one instance Niantic
13 took a female manager’s oversight over the performance review process away from her after she
14 reported apparent gendered bias in the performance review process.

15 25. Upon information and belief, Niantic’s solution to receiving reports of sexual bias
16 is to silence or hide such reports, and to make clear to women making such reports that their
17 reporting of sexual bias will subject them to retaliation. Niantic’s practice of silencing and
18 retaliating against women who speak out about sexual bias is apparently at the directive of upper
19 male management at Niantic but is fostered and maintained by Niantic’s human resources office
20 headquartered in San Francisco. Indeed, Niantic’s human resources officers have expressly
21 warned employees that speaking out or collectively about Niantic’s mistreatment of female
22 employees could jeopardize their careers at Niantic.

23 26. Upon information and belief, many female employees have left their employment
24 at Niantic because they could no longer tolerate Niantic’s male leadership’s failure to value
25 them, failure to recognize their contributions to the company, Niantic’s culture of hiding or
26 silencing women’s sexual bias complaints, and/or after losing hope that their contributions or
27 value would ever be recognized by male management or by FOJ.

28

1 27. Niantic’s systemic treatment of women in the workplace, including by down-
2 leveling them, devaluing their work, over-scrutinizing them, paying them less than their male
3 peers, and silencing them when they protest sexual bias, has sent female employees the message
4 that they are not valued or protected at Niantic and that they will not be heard. Niantic’s systemic
5 poor treatment of female employees has created an offensive and oppressive work environment
6 for female employees, has driven many female employees to tears, has undermined their
7 personal sense of wellbeing, and has made it more difficult for them to do their jobs. Niantic’s
8 systemic mistreatment of women in the workplace has disrupted the emotional tranquility of
9 female employees– from entry-level employees to the few high-level female managers that
10 Niantic has employed.

11 **Jane Doe 1**

12 28. In or around February 2020, Jane Doe 1, an Asian female, began her employment
13 with Niantic as an Associate Designer L3 making approximately \$33.66 per hour, or \$70,000
14 annually. At all times relevant herein, Jane Doe 1 was qualified to perform her job and
15 performed her job well.

16 29. Throughout 2020 Jane Doe 1 was paid and titled as an Associate Designer L3 but
17 was in fact performing as a User Experience Designer L4. Like many of her female peers, Jane
18 Doe 1 had been hired and paid at a level that was lower than her qualifications merited.

19 30. In approximately December 2020, Niantic promoted Jane Doe 1 to User
20 Experience Designer L4, earning approximately \$84,000 annually.

21 31. In approximately late 2021, Jane Doe 1 learned that Niantic had been paying her
22 male colleague, who had recently entered the company as an apprentice in User Experience
23 work, more than it had been paying her. This was despite that Jane Doe 1 had more experience,
24 more tenure as an employee, more responsibilities, and had a higher job title than he.

25 32. Shortly after learning this information, Jane Doe 1 told a Niantic human resources
26 officer about what she had learned. The human resources officer told Jane Doe 1 that the pay
27 disparity did not seem to be in line with Niantic’s pay policies and that he would escalate the
28

1 issue and get back to Jane Doe 1. Nobody at Niantic followed up with Jane Doe 1 about the pay
2 disparity after that, and Niantic did nothing to correct the pay disparity.

3 33. Although the pay disparity and Niantic’s failure to address or correct the issue
4 was disheartening to Jane Doe 1 and made her feel that she was not valued, she resolved to work
5 harder to prove herself to her male supervisors. But despite her hard work, Jane Doe 1 learned
6 that the same male colleague, who served in a lower job title and position than she, continued to
7 out-earn her. As of 2022, he was paid \$127,000 annually. Meanwhile, Jane Doe 1’s job title was
8 one level above his, yet she was only paid \$105,000 annually.

9 34. During her approximately three and a half years as a user experience designer at
10 Niantic, Jane Doe 1 consistently received positive feedback from her peers and supervisors about
11 her high quality of work, work ethic, and her skills as a team player. But Niantic continued to
12 pay Jane Doe 1 less than her male colleagues – including those with lower job titles and fewer
13 responsibilities.

14 35. In 2022, Jane Doe 1 spearheaded a team to overhaul the user interface for one of
15 Niantic’s games in two months – a very impressive feat. Jane Doe 1’s supervisor told Jane Doe 1
16 that based on Jane Doe 1’s performance on that project, he believed she should look into a
17 leadership position at Niantic.

18 36. In September 2022, Jane Doe 1 was nominated by her peers for the award of
19 “Speak the Truth to Serve the Mission” (similar to an Employee of the Month award) in front of
20 the team of approximately forty employees working on her project. Niantic CEO John Hanke
21 was present when the team nominated Jane Doe 1 for this award.

22 37. Later in 2022, Jane Doe 1’s supervisor advised Jane Doe 1 that, despite her lower
23 job title, Jane Doe 1 was actually performing as her project’s de-facto User Experience Lead
24 (one or two job titles above the title she had). Jane Doe 1 also received very positive
25 performance feedback from her peers that year, including that Jane Doe 1 had an “active,
26 positive, direct influence on our output across the board.”

27 38. In early 2023, Jane Doe 1 received a “meets most expectations” performance
28 rating for her work in 2022 despite having received continuous recognition for excelling at her

1 job that year. She also learned that her male peers on the project had received “exceeds
2 expectations” performance ratings. The discrepancy did not make sense to Jane Doe 1.

3 39. Jane Doe 1 therefore met with her male supervisor to express her concerns that
4 her performance rating did not match her actual performance and referred to the higher
5 performance ratings received by her male peers on the project. Jane Doe 1’s supervisor admitted
6 to her that he believed she exceeded expectations and deserved the same recognition received by
7 her male peers. He then told her that a manager above him decided to give her a lower
8 performance rating. He told Jane Doe 1 that he would see if there was anything he could do to
9 help her.

10 40. Jane Doe 1’s supervisor then advised Jane Doe 1 that he and the male Executive
11 Director of the project she was working on would meet with Jane Doe 1 about her concerns.
12 During the meeting, Jane Doe 1’s supervisor and the Executive Director praised Jane Doe 1’s
13 work that year and expressed that they were both very happy with her work at Niantic,
14 suggesting that they viewed her performance as better than the performance ranking Niantic gave
15 her. The Executive Director even advised Jane Doe 1 that, “We want the team to meet you where
16 you are at,” indicating that he agreed that Jane Doe 1 performed above her job title. The
17 Executive Director, implying his agreement that the lower performance rating was not accurate,
18 nevertheless said that it was “too late” to change Niantic’s performance rating that was
19 apparently made by a male manager above them.

20 41. In or around the spring of 2023, Niantic gave Jane Doe 1 a pay raise to \$115,500.
21 This was still significantly less than the \$127,000 that her male colleague was paid the year prior
22 in a lower position.

23 42. In or around the spring of 2023, Niantic posted the pay band for Jane Doe 1’s job
24 title and level, User Experience L4. According to Niantic’s official pay band posting, including
25 on Jane Doe 1’s official employee profile, the pay band for Jane Doe 1’s job title and level was
26 \$126,000 - \$154,000. Jane Doe 1 therefore learned that after receiving a raise she was still paid
27 approximately \$11,000 below the pay band for the job position in which Jane Doe 1 had been
28 working and receiving positive feedback from her peers and supervisors for over two years. Jane

1 Doe 1 also confirmed that her male peer in the same job title and level was paid more than she
2 was paid and was within the pay band listed for their position.

3 43. When Jane Doe 1 learned that she was paid below the pay band for her position
4 while her male colleague was not, it again confirmed for her that Niantic did not value her as a
5 female employee of color. Jane Doe 1 began asking her colleagues about their pay rates and pay
6 bands, and advised them that she was paid below her pay band while her male colleagues did not
7 appear to be paid below their pay bands.

8 44. Partly due to Jane Doe 1's raised concerns, sexism and equal pay became a topic
9 of discussion among female employees at Niantic, including in meetings at Niantic's employee
10 resources group for women, called Wolfpack. The women at Niantic seemed to collectively
11 agree that men were favored and valued over women. Other female colleagues confirmed that
12 their experiences of being underpaid, undervalued, and stifled, were similar to her experiences.
13 Jane Doe 1 learned that Niantic's unfair treatment of women not only created an oppressive and
14 hostile work environment for her, but also did so for many of her female peers, making them feel
15 unheard, unrecognized, sending them the message that they were not valued as female
16 employees at Niantic, disrupting their emotional tranquility in the workplace, and making it more
17 difficult for them to do their jobs.

18 45. Jane Doe 1 resolved to meet with Niantic's Diversity Equity and Inclusion
19 Director ("DEI Director") and Principal People Partner to discuss her concerns. At the meeting,
20 Niantic's DEI Director and Principal People Partner questioned Jane Doe 1 about her
21 involvement in Wolfpack, blamed her for the recent discussions among female employees within
22 Wolfpack about pay equity, and made clear that they and male upper management at Niantic
23 were hostile to her perceived complaints or voiced concerns about pay equity/sexual bias in the
24 workplace, including through Wolfpack. They told Jane Doe 1 that her voiced concerns about
25 workplace issues among her colleagues had impacted Niantic's evaluation of her job
26 performance in the past and would continue to do so in the future. They claimed that the reason
27 Jane Doe 1 was paid below the pay band for her position was that she had previously raised
28 concerns among her colleagues about the way employees were being treated (concerted activity

1 that is protected under the law). They also discouraged Jane Doe 1 from discussing pay
2 equity/sexual bias issues with her colleagues including colleagues involved in Wolfpack moving
3 forward. Jane Doe 1 was so upset by the message that Niantic’s DEI Director and Principal
4 People Partner were relaying to her at the meeting – that she must shut up about pay equity
5 issues in order to advance at Niantic – that she was driven to tears during the meeting.

6 46. Jane Doe 1 left the meeting held with Niantic’s DEI Director and its Principal
7 People Officer in fear of losing her job. She was so concerned about her job following the
8 meeting should she engage in any more public discussions about equal pay/sexual bias at work
9 that she immediately unsubscribed from Wolfpack in fear that her association with Wolfpack
10 would disadvantage Wolfpack employees or her.

11 47. Jane Doe 1’s anxiety over the Boys Club environment became even more elevated
12 when she realized that the direction from the top of the organization was to silence any women
13 who voiced dissent to the equal pay, sexual bias, or discrimination there.

14 **Jane Doe 2**

15 48. In or around December 2018, Jane Doe 2, an Asian female, began her
16 employment with Niantic as a software engineer. At all times relevant herein, Jane Doe 2 was
17 qualified to perform her job and did perform her job well.

18 49. When Niantic offered Jane Doe 2 the position of software engineer, it offered her
19 less than what she understood to be the market rate for her years of experience. Jane Doe 2 tried
20 to negotiate a higher base salary, but Niantic refused. Jane Doe 2 accepted the offer, believing
21 that she would quickly be promoted after proving herself to be worthy of compensation at market
22 rate for her experience.

23 50. Upon information and belief, Niantic’s offer to Jane Doe 2 of lower compensation
24 than market rate for her experience and qualifications was part of Niantic’s larger pattern and
25 practice of down-leveling female employees - hiring women into lower positions with lower pay
26 than for which they were qualified and experienced.

27 51. Despite Jane Doe 2’s excellent performance throughout her more than four-year
28 tenure at Niantic, Niantic did not promote her even once. Meanwhile, Niantic promoted and gave

1 raises to Jane Doe 2’s male peers with similar or less tenure, similar or less experience, and with
2 similar or inferior performance.

3 52. During her first year of employment, Jane Doe 2 excelled at her job. Her
4 supervisor told her that she performed some of her work at a higher level than he could have
5 performed the work. During that year, when Jane Doe 2 solved a tricky engineering problem, a
6 senior male engineer presented that work as if it were his own and took credit for that work even
7 though the work was Jane Doe 2’s work that had been assigned to Jane Doe 2. When Jane Doe 2
8 asked her supervisor how she could ensure that she would get a promotion to the level at which
9 she was performing, the only constructive feedback he had for her was to “play more games”
10 during her spare time. But Jane Doe 2 played Niantic games more than her supervisor and more
11 than many male leaders above her; she had in fact reached the maximum level of Pokemon Go,
12 Niantic’s flagship game, within her first four months at Niantic.

13 53. In approximately the fall of 2019, Jane Doe 2 began reporting to another male
14 supervisor. This supervisor also gave Jane Doe 2 a very positive performance review and told her
15 that she was performing at a level where she should be included in design meetings. But when
16 Jane Doe 2 asked about getting a promotion to be recognized and paid at the level at which she
17 was performing, her supervisor told her that while her job performance was excellent, Niantic
18 did not give employees promotions after only one year of employment, suggesting that the
19 promotion was not in his control.

20 54. In 2020, Jane Doe 2 reported to another male supervisor. This male supervisor
21 also recognized Jane Doe 2’s excellent job performance and told Jane Doe 2 that he evaluated
22 her as a 4 out of 5 (“exceeds expectations”) for her performance that year, but implied that upper
23 male management required him to reduce her performance ratings to put her at a “meets
24 expectations” level. Niantic again failed to promote Jane Doe 2 to her actual job and
25 performance level that year.

26 55. In mid-2021, Jane Doe 2 began reporting to another male supervisor. This male
27 supervisor also recognized Jane Doe 2’s excellent job performance, praised her technical design
28 documentation skills, and even requested that Jane Doe 2 coach her male peer. But when Jane

1 Doe 2 provided the coaching as requested, a male peer complained about Jane Doe 2's
2 constructive feedback. This complaint was obviously charged with sexual bias, where male peers
3 resent constructive feedback from their female peers but do not take issue when such feedback is
4 given by men. The male supervisor who had assigned Jane Doe 2 to coach her male peer on his
5 technical design documentation then criticized Jane Doe 2 for the constructive feedback she
6 provided per that supervisor's request. When Jane Doe 2 asked the male supervisor if he would
7 criticize any other person on the team (all of whom were male) for the coaching Jane 2 Doe had
8 provided, the supervisor appeared to realize that he would not.

9 56. Although Jane Doe 2 had again performed another year at a level higher than that
10 for which she was paid, Niantic again refused to promote her.

11 57. In mid-2022, Jane Doe 2 began reporting to another male supervisor. This male
12 supervisor commented that people will think something is "wrong" with Jane Doe 2 since she
13 had been at Niantic for four years without a promotion. This male supervisor also made
14 comments indicating sexual bias against Jane Doe 2, including asking her age, asking if she
15 found a male colleague "handsome," and telling her she owed him "drinks," which comments the
16 male supervisor did not make to male colleagues. Nevertheless, Jane Doe 2 performed well
17 under this male supervisor, and received very positive performance feedback from him for that
18 year. This male supervisor told Jane Doe 2 that he told the male leader who ran the Los Angeles
19 office that he believed Jane Doe 2 was "lead" material and credited her for setting up the
20 processes and structure that let the team run itself with little work needed from him. But
21 Niantic's male leadership appeared to ignore this positive feedback regarding Jane Doe 2 and
22 continued to hold her back.

23 58. In early 2023, Jane Doe 2 learned that she had been rated as "meets expectations"
24 again, even though she had clearly exceeded expectations for her job level. Indeed, Jane Doe 2's
25 manager told her that she performed as a "strong" Level 5 engineer even though she was titled
26 and paid as a Level 4 engineer. Niantic again failed to give Jane Doe 2 a promotion to the level
27 at which she had been performing over the past four years. Meanwhile, Niantic gave promotions
28 to two of Jane Doe 2's male peer engineers. These male peers had significantly fewer years of

1 engineering experience than Jane Doe 2, significantly less tenure than Jane Doe 2, and did not
2 have superior job performance to Jane Doe 2.

3 59. Jane Doe 2 protested Niantic’s failure to recognize her actual job performance and
4 duties, its continuing failure to promote her, and its resulting continuing failure to compensate
5 her at the level at which she performed. When Niantic’s managers reviewed Jane Doe 2’s
6 performance after her complaints, they admitted to her that she should have been given a
7 performance rating of “exceeds expectations” and then changed her performance rating to
8 “exceeds expectations.” But Niantic still refused to promote her, claiming it was “too late” to do
9 so because CEO John Hanke had already approved all promotions for that year and would not
10 award more promotions.

11 60. In early 2023, after having endured years of devaluation for her work as compared
12 to her male peers, and years of being underpaid as compared to her male peers, apparently at the
13 hands of upper male leadership at Niantic, Jane Doe 2 decided to join the leadership of Niantic’s
14 Employee Resources Group (“ERG”) for women, called Wolfpack. Jane Doe 2 hoped that as a
15 leader of Wolfpack, she would be able to advocate against sexual bias towards female employees
16 at Niantic.

17 61. A male executive at Niantic was charged with overseeing Wolfpack, the ERG for
18 women. Upon information and belief, although Niantic claimed that the male executive was
19 there to ensure that Wolfpack had the resources it needed, Niantic actually had this male
20 executive oversee Wolfpack to ensure that female employees stayed in check and did not protest
21 sexual bias too loudly. Upon information and belief, Niantic similarly assigned other executives
22 to oversee Niantic’s other ERGs to keep those employees in check and under control.

23 62. In or around spring 2023, Wolfpack and Jane Doe 2 administered an employee
24 survey about workplace culture. The results of the survey showed that many female employees
25 viewed Niantic as a sexist work culture that disadvantages female employees. The majority of
26 employees responding to the survey also expressed concerns about equal pay at Niantic.

27 63. Shortly after Wolfpack received the survey results, Jane Doe 2 prepared a
28 presentation summarizing the survey results. Wolfpack then met to discuss the survey results and

1 the presentation prepared by Jane Doe 2. When Wolfpack’s male executive leader saw the
2 results, in recognition that the survey results were alarming, he advised that he needed to get
3 Niantic’s Chief People Officer and DEI Director involved.

4 64. After that meeting regarding the Wolfpack survey results, one of Jane Doe 2’s co-
5 leads at Wolfpack advised that the male executive leader was “freaking out” about the survey
6 results and advised that he was concerned that the results would be presented as prepared by Jane
7 Doe 2. Wolfpack then met again with that male executive leader. Jane Doe 2, feeling pressure to
8 sanitize the results, and fearing retaliation for voicing the concerns about sexism at Niantic too
9 loudly, advised that she could remove some of the comments made by female employees. The
10 male executive agreed, saying something to the extent of, “we don’t want to hand everyone a
11 pitchfork.” The group then proceeded to remove the reference to “Boys Club” and similar
12 comments about sexism in the workplace from Wolfpack’s presentation.

13 65. Not long after that, clearly due to Wolfpack’s exposure of the apparently widely
14 held belief at Niantic that women were not treated fairly, Niantic’s DEI Director told a Wolfpack
15 lead that Wolfpack would no longer be permitted to administer surveys of employees.

16 66. At around the same time, within a group discussion at a Wolfpack meeting for
17 Niantic employees, Jane Doe 2 raised concerns she had heard that some women at Niantic were
18 paid below their pay bands. Niantic’s DEI Director, who was present, immediately quashed Jane
19 Doe 2’s comment and declared that no women were paid below their pay bands. Later in the
20 Wolfpack meeting, the same DEI Director declared that instead of expecting the company to
21 change, Niantic employees with complaints should focus on changing themselves. Niantic’s DEI
22 Director thereby suggested to employees that if Niantic employees had issues with equity at
23 Niantic, it was the employees who were the problem, and that Niantic did not intend to take
24 accountability for or to correct inequities in the workplace.

25 67. Shortly after these meetings, Niantic’s DEI Director sent Jane Doe 2 a written
26 message chastising her for raising the concern that a female employee was paid below the pay
27 band. When Jane Doe 2 advised the DEI Director that her female colleague (who was Jane Doe
28 1) had advised her that she was paid below her pay band and showed her the proof, Niantic’s

1 DEI Director responded by chastising Jane Doe 2 for discussing what Niantic’s DEI Director
2 declared to be a “confidential” matter not to be discussed among employees. Niantic’s DEI
3 Director also told or suggested to Jane Doe 2, in writing, that Jane Doe 1 talking to her
4 colleagues about pay issues was not “brave” and that the “brave” thing to do would be to go to
5 management. By this point, Jane Doe 2’s female colleague, Jane Doe 1, had already gone to
6 management about her concerns and management had not corrected the situation. After this
7 interaction with the DEI Director, Jane Doe 2, as a lead of Wolfpack, did not feel safe raising
8 any DEI concerns regarding herself or her colleagues, to Niantic’s DEI office.

9 68. In around the spring of 2023, Jane Doe 2 reached out to one of the few high-level
10 female leaders in the Los Angeles office, told her about Jane Doe 2’s personal experience with
11 sexism impeding her career advancement at Niantic, and told her of Jane Doe 2’s belief that
12 many other women at Niantic had similar experiences to hers. That female leader told Jane Doe
13 2 about similar experiences she had at Niantic and resolved to help Jane Doe 2 and other women
14 at Niantic get fair treatment.

15 69. This female leader later reported to Jane Doe 2 that she advised Niantic’s DEI
16 Director that she intended to put together a list of concerns that women at Niantic had raised to
17 her, and to send the list of concerns to CEO John Hanke. The female leader advised Jane Doe 2
18 that after she reported this intent to the DEI Director, the DEI Director advised this female leader
19 not to get involved in women’s complaints about sexism at Niantic and warned her that it would
20 be “bad” for the female leader’s career at Niantic if she got involved. The female leader advised
21 Jane Doe 2 that the DEI Director also asked the female leader to name “the leader” who was
22 reporting issues of sexism at Niantic to her. Jane Doe 2, understanding that the DEI Director,
23 likely at the direction of male management, intended to quash, silence, and retaliate against the
24 “the leader” who dared to speak out about sexism at Niantic, asked the female leader not to name
25 her.

26 70. Niantic’s Principal People Officer also met with a group of female employees at
27 Niantic and told them she heard that the term “Boys Club” was being used at Niantic. The
28 Principal People Officer then instructed this group of women that the term “Boys Club” was not

1 to be used or validated by them, that if anyone used the term “Boys Club” in front of them to
2 describe Niantic they should not agree, and that they should report to the Principal People
3 Officer if anyone used the term in front of them.

4 71. Niantic’s treatment of its female employees, including Plaintiffs, sent them the
5 message that they were not valued at Niantic and would be held back in the workplace because
6 they are women and/or women of color. Niantic’s treatment of its female employees who voiced
7 concerns about discrimination in the workplace also sent them the message that Niantic did not
8 tolerate any opposition to or concern about the way women were treated there. This treatment
9 created a hostile, offensive, and oppressive work environment that disrupted the emotional
10 tranquility and personal sense of well-being, including job security, of women and women of
11 color in the workplace including of Plaintiffs.

12 72. On or around June 29, 2023, Niantic notified Jane Doe 1 and Jane Doe 2 that it
13 was laying them off as employees along with a large group of employees at Niantic’s Los
14 Angeles office effective on July 1, 2023.

15 73. Upon information and belief, the Los Angeles employees that survived the July 1,
16 2023 layoff were disproportionately men.

17 74. Upon information and belief, as part of the layoffs, Niantic terminated the
18 employment of many of the highest-level females at the company, including one of Niantic’s
19 only female Vice Presidents, the only female Director-level engineer at the company, and one of
20 the only female Senior Directors of games or platforms at the company. Unlike the higher-level
21 male employees who were included in the layoff (whose employment was terminated because
22 the games or projects they lead were discontinued or canceled), it was not apparent to Niantic
23 employees why Niantic included these high-level women in the layoffs.

24 **CLASS ACTION ALLEGATIONS**

25 75. Plaintiffs bring the causes of action on behalf of themselves, where applicable,
26 and on behalf of the following proposed (“Class”):

27 All current or former female employees who worked in California from July 7,
28 2019 through the date of Preliminary Approval. Female is defined as: (a) any
person who identified as female during their employment with Niantic; (b) any

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person whom Niantic had identified as female during their employment at Niantic.

76. Alternatively, Plaintiffs bring the causes of action, separately, on behalf of themselves, where applicable, and on behalf of the following proposed subclasses (“Subclasses”):

- (a) Subclass 1: All current or former Niantic employees who worked in California from July 7, 2019 through the trial of this matter and who identified as female, or whom Niantic identified as female, during their employment with Niantic.
- (b) Subclass 2: All current or former Niantic employees who worked in California from July 7, 2019 through the trial of this matter and who identified as women of color, or whom Niantic identified as women of color, during their employment with Niantic.

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

78. 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.

79. 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

- 1 similar work under similar conditions, in violation of California Labor Code section
- 2 1197.5, *et seq.*;
- 3 (c) Whether Niantic has a systemic policy and/or practice of committing adverse
- 4 employment actions against its female employees who engage in protected activities
- 5 when requesting promotions, increases in pay, or equal pay, in violation of California
- 6 Labor Code section 1197.5, *et seq.*;
- 7 (d) Whether Niantic has a systemic policy and/or practice of committing adverse
- 8 employment actions against its female employees because of their gender or sex, in
- 9 violation of California Government Code section 12940(a), *et seq.*;
- 10 (e) Whether Niantic has a systemic policy and/or practice of maintaining a hostile work
- 11 environment due to sex or gender for its female employees because of their gender or
- 12 sex, in violation of California Government Code section 12940(j)(1), *et seq.*;
- 13 (f) Whether Niantic has a systemic policy and/or practice of committing adverse
- 14 employment actions against its female employees for engaging in protected activities
- 15 when opposing sex or gender discrimination, harassment, or retaliation in violation of
- 16 California Government Code section 12940(h), *et seq.*;
- 17 (g) Whether Niantic has a systemic policy and/or policy of failing to prevent discrimination,
- 18 harassment, and/or retaliation against its female employees because of their gender or
- 19 sex, in violation of California Government Code section 12940(k) *et seq.*; and
- 20 (h) Whether Niantic has a systemic policy and/or practice of unlawful, unfair, or fraudulent
- 21 business activities which allows it to unfairly compete in the marketplace.

22 80. Typicality: Plaintiffs’ claims are typical of the Class and/or Subclasses’ Equal
23 Pay Act claims because Plaintiffs are Asian women who were employed by Niantic in California
24 during the Class Period and was denied promotions and/or paid less than men and/or non-Asian
25 women for substantially equal or similar work and retaliated against for disclosing violations of
26 the Equal Pay Act. Plaintiffs’ claims are typical of the Class and/or the Subclasses’ Fair
27 Employment & Housing Act claims of women who were denied promotions and/or paid less
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1 than their male counterparts of substantially equal of similar work and/or discriminated,
2 retaliated, or subjected to a hostile work environment because of her gender or sex.

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

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

18 JURISDICTION AND VENUE

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

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

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

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

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

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

16 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

17 89. Plaintiffs have complied with all conditions precedent (exhaustion of
18 administrative remedies) to jurisdiction. On or about July 7, 2023, Jane Doe 1 filed a complaint
19 of discrimination, harassment, retaliation, and failure to take reasonable steps to prevent and
20 remedy discrimination, harassment, and retaliation, against Defendants under the provisions of
21 the Fair Employment and Housing Act (“FEHA”). The California Civil Rights Department
22 (“CRD”) issued a right-to-sue notice. On or about September 27, 2023, Jane Doe 2 filed a
23 complaint of discrimination, harassment, retaliation, and failure to take reasonable steps to
24 prevent and remedy discrimination, harassment, and retaliation, against Defendants under the
25 provisions of the Fair Employment and Housing Act (“FEHA”). The California Civil Rights
26 Department (“CRD”) issued a right-to-sue notice.

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FIRST CAUSE OF ACTION

Violation of the California Equal Pay Act

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

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4 90. Plaintiffs restate and incorporate by reference each and every allegation contained
5 in the foregoing paragraphs as though fully set forth herein, excepting those allegations which
6 are inconsistent with this cause of action.

7 91. Defendants have and continue to pay Plaintiffs and/or the Class/or Subclasses at a
8 rate less than Defendants' male employees and/or at a rate less than Defendants' white
9 employees in violation of the California Equal Pay Act, California Labor Code section 1197.5, *et*
10 *seq.*

11 92. Plaintiffs and Class and/or Subclasses were performing substantially similar work
12 as Defendants' male employees and/or Defendants' white employees with respect to their skill,
13 effort, and responsibility.

14 93. Plaintiffs and the Class and/or Subclasses were performing substantially similar
15 work under similar working conditions as Defendants' male employees and/or their white
16 employees.

17 94. Defendants caused, attempted to cause, contributed to, or caused the continuation
18 of the wage rate violations of the California Equal Pay Act.

19 95. Defendants willfully or recklessly disregarded the fact that their conduct was in
20 violation of the California Equal Pay Act.

21 96. Defendants' unequal treatment of Plaintiffs and Class and/or Subclasses and/or
22 their willful or reckless disregard for their violation of the California Equal Pay Act is and was
23 caused by conscious and/or unconscious sexual bias.

24 97. As a result of Defendants' conduct alleged herein and/or Defendants' willful,
25 knowing, and intentional violations of the California Equal Pay Act, Plaintiffs and the Class
26 and/or Subclasses have suffered and will continue to suffer harm, including, but not limited to,
27 lost wages, lost benefits, and other financial loss.

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1 103. Plaintiffs and the Class and/or Subclasses’ protected conduct were substantial
2 motivating factors for the adverse employment actions.

3 104. As a direct, proximate, and legal result of Defendants’ aforesaid wrongful
4 conduct, Plaintiffs 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 committed the adverse employment actions. As
7 a result of such discrimination and retaliation and their consequences, Plaintiffs and the Class
8 and/or Subclasses have suffered additional economic harm and damages, to be stated according
9 to proof at trial.

10 105. As a result of Defendants’ conduct as alleged herein, Plaintiffs and the Class
11 and/or Subclasses have been required to retain counsel to represent them. Plaintiffs and the
12 Class and/or Subclasses will continue to incur attorneys’ fees and costs in an amount within the
13 jurisdictional limit of this Court. Plaintiffs and the Class and/or Subclasses are therefore entitled
14 to an award based on the reasonable attorneys’ fees necessarily incurred in the preparation and
15 prosecution of this action, in an amount to be stated according to proof at trial.

16 106. The aforementioned acts were committed by Defendants, and each of them, by
17 and through their respective officers, directors, managing agents, agents and or/representatives
18 and/or were known to, aided, abetted, authorized by, ratified by and/or otherwise approved by
19 their respective officers, directors, managing agents and/or representatives. The above acts of
20 Defendants, and each of them, were despicable and committed knowingly, willfully,
21 fraudulently, and or/maliciously, with the intent to harm, injure, vex, annoy, and oppress
22 Plaintiffs and the Class and/or Subclasses seek punitive and exemplary damages from the named
23 Defendants in an amount to be proven at trial.

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THIRD CAUSE OF ACTION

Sex/ Gender Discrimination in Violation of California Government Code § 12940, *et seq.*

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

107. Plaintiffs restate and incorporate 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.

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

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

110. At all relevant times, Plaintiffs and the Class and/or Subclasses performed their job duties with positive results.

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

112. Plaintiffs are informed and believe, and thereupon allege that, at all relevant times, Defendants, and each of them, failed to implement and/or enforce their respective anti-discrimination policies to the extent such policies existed. Instead, Defendants discriminated against Plaintiffs and the Class and/or Subclasses by preferring men in the workplace, particularly with respect their hiring, promotions, and compensation, and by responding to male employees' grievances and complaints swiftly and thoroughly, as compared to female employees' grievances and complaints, which were more likely to be disregarded, not investigated, or mishandled.

1 113. Plaintiffs are informed and believe, 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.

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

22 115. Plaintiffs are informed and believe, and thereupon allege that, at all relevant
23 times, Defendants, and each of them, engaged in a practice of retaliation against employees who
24 opposed discrimination, harassment, or retaliation. Plaintiffs are informed and believe 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,
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1 resulting in exacerbated and un-remedied discrimination, harassment, and/or retaliation against
2 them.

3 116. As a direct, proximate, and legal result of Defendants' aforesaid wrongful
4 conduct, Plaintiffs 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, Plaintiffs and/or the Class and/or Subclasses have suffered
8 additional economic harm and damages, to be stated according to proof at trial.

9 117. The acts of Defendants as alleged herein have been reckless and/or intentional, in
10 that Defendants, in conscious disregard of Plaintiffs and the Class and/or Subclasses' rights,
11 acted 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, Plaintiffs and the Class and/or Subclasses did suffer and still do suffer
14 emotional distress, anxiety, stress, and worry because of Defendants' conduct. Accordingly,
15 Plaintiffs and the Class and/or Subclasses are entitled to recover general damages against said
16 Defendants in a sum in excess of the minimum jurisdictional limits of this Court, in an amount to
17 be stated according to proof at trial.

18 118. As a result of Defendants' conduct as alleged herein, Plaintiffs and the Class
19 and/or Subclasses have been required to retain counsel to represent their interests. Plaintiffs 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. Plaintiffs 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.

25 119. 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

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

6 **FOURTH CAUSE OF ACTION**

7 **Hostile Work Environment in Violation of California Government Code § 12940, et seq.** 8 **(By Plaintiffs and the Class and/or Subclasses Against All Defendants)**

9 120. Plaintiffs restate and incorporate by reference each and every allegation contained
10 in the foregoing paragraphs as though fully set forth herein, excepting those allegations which
11 are inconsistent with this cause of action.

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

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

21 123. Furthermore, by failing to conduct a reasonable investigation and not taking
22 proper remedial action following Plaintiffs and the Class and/or Subclasses and the Class and/or
23 Subclasses’ complaints, Defendants ratified the unlawful conduct of their manager and
24 supervisors.

25 124. As a direct, proximate, and legal result of Defendants’ aforesaid wrongful
26 conduct, Plaintiffs and the Class and/or Subclasses and the Class and/or Subclasses have been
27 harmed in that they have suffered the loss of past and future wages and earnings, benefits, and
28 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, Plaintiffs and the Class and/or
2 Subclasses have suffered additional economic harm and damages, to be stated according to proof
3 at trial.

4 125. The acts of Defendants as alleged herein have been reckless and/or intentional, in
5 that the Defendants, in conscious disregard of Plaintiffs 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, Plaintiffs 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, Plaintiffs 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.

14 126. As a result of Defendants' conduct as alleged herein, Plaintiffs and the Class
15 and/or Subclasses have been required to retain counsel to represent their interests. Plaintiffs 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. Plaintiffs 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.

21 127. 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
27 Plaintiffs and the Class and/or Subclasses and with a conscious disregard of their rights. By
28

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

3 **FIFTH CAUSE OF ACTION**

4 **Retaliation in Violation of California Government Code § 12940, et seq.**

5 **(By Plaintiffs and the Class and/or Subclasses Against All Defendants)**

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

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

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

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

21 132. The adverse employment actions were substantially motivated by Plaintiffs' and
22 the Class and/or Subclasses' protected activities.

23 133. As a direct, proximate, and legal result of Defendants' aforesaid wrongful
24 conduct, Plaintiffs and the Class and/or Subclasses have been harmed in that they have suffered
25 the loss of past and future wages and earnings, benefits, and such additional amounts of money
26 they would have received if Defendants had not retaliated against them. As a result of such
27 retaliation and its economic consequences, Plaintiffs and the Class and/or Subclasses and/or the
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1 Class and/or Subclasses have suffered additional economic harm and damages, to be stated
2 according to proof at trial.

3 134. 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, Plaintiffs 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, Plaintiffs and the Class and/or Subclasses and the Class and/or
10 Subclasses are entitled to recover general damages against said Defendants in a sum in excess of
11 the minimum jurisdictional limits of this Court, in an amount to be stated according to proof at
12 trial.

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

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

SIXTH CAUSE OF ACTION

**Failure to Prevent Discrimination and Harassment in Violation of California Government
Code § 12940, et seq.**

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

137. Plaintiffs restate and incorporate 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.

138. 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.”

139. 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.

140. 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.

6 141. 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.

9 142. As a direct, proximate, and legal result of Defendant's aforesaid wrongful
10 conduct, Plaintiffs 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, Plaintiffs and the Class and/or Subclasses and/or the Class
14 and/or Subclasses have suffered additional economic harm and damages, to be stated according
15 to proof at trial.

16 143. The acts of Defendants as alleged here in have been reckless and/or intentional, in
17 that Defendants, in conscious disregard to Plaintiffs and the Class and/or Subclasses' rights,
18 acted 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 Plaintiffs and the Class and/or Subclasses did suffer and still do suffer emotional distress,
21 anxiety, stress, and worry because of Defendants' conduct. Accordingly, Plaintiffs and the Class
22 and/or Subclasses and the Class and/or Subclasses are entitled to recover general damages
23 against said Defendants in a sum in excess of the minimum jurisdictional limits of this Court, in
24 an amount to be stated according to proof at trial.

25 144. As a result of Defendants' conduct as alleged herein, Plaintiffs and the Class
26 and/or Subclasses have been required to retain counsel to represent their interests. Plaintiffs 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. Plaintiffs and the Class and/or Subclasses are therefore

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

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

14 **SEVENTH CAUSE OF ACTION**

15 **Violations of Unfair Competition Law**

16 **(By Plaintiffs and the Class and/or Subclasses Against All Defendants)**

17 146. Plaintiffs restate and incorporate by reference each and every allegation contained
18 in the foregoing paragraphs as though fully set forth herein, excepting those allegations which
19 are inconsistent with this cause of action.

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

22 148. Plaintiffs brings this cause of action in any representative capacity on behalf of
23 the general public and the Class and/or Subclasses. Plaintiffs and the Class and/or Subclasses
24 have suffered and continue to suffer injury in fact and deprivation of wages and monies as a
25 result of Defendants’ actions

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

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

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

8 152. 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 Plaintiffs and
10 the Class and/or Subclasses can be readily determined from Defendants' records and/or proper
11 scientific and/or expert evidence. Plaintiffs and the proposed Class and/or Subclasses are
12 entitled to restitution of monies due and obtained by Defendants during the Class Period as a
13 result of Defendants' unlawful and unfair conduct.

14 153. 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.

17 154. 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.*

20 155. The harm to Plaintiffs 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.*

25 156. 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.

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1 157. 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.

3 158. The unlawful, unfair, and fraudulent business practices and acts of Defendants as
4 described hereinabove have injured Plaintiffs 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.

7 159. 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.* Plaintiffs and the Class and/or Subclasses seek
11 restitution of all monies not paid to them by Defendants.

12 160. Plaintiffs 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.

18 161. Plaintiffs 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.” Plaintiffs 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.

26 162. Plaintiffs 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 Plaintiffs and the Class and/or Subclasses Against All Defendants)

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4 163. Plaintiffs restate and incorporate by reference each and every allegation contained
5 in the foregoing paragraphs as though fully set forth herein, excepting those allegations which
6 are inconsistent with this cause of action.

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

10 165. As a result of the Defendants’ practice of paying female employees at a lower
11 regular wage rate than male employees, caused by sexual bias, Defendants, and each of them,
12 committed and continue to commit violations of the California Labor Code against Plaintiff and
13 Defendants’ similarly situated employees, including but not limited to violations of sections 201,
14 202, 203, 204, 210, 226, 1197.5, as well as violations of the Business and Professions Code,
15 including but not limited to violations of sections 17200, *et seq.*

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

23 167. As a result of the aforementioned violations, Plaintiff seeks all civil penalties
24 available pursuant to Labor Code section 2698, *et seq.* Therefore, pursuant to the Labor Code,
25 Plaintiff seeks and will be entitled to recover all civil penalties owed, attorneys’ fees, and costs
26 of suit. For all other violations which may be discovered in the course of this action, Plaintiff
27 seeks to recover civil penalties under Labor Code section 2699(e) on behalf of herself, other
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1 similarly situated current and former employees of Defendants, and the State of California, all in
2 an amount to be proven at trial.

3 **DEMAND FOR JURY TRIAL**

4 168. Plaintiffs, on behalf of themselves and all others similarly situated, hereby
5 demand a trial by jury.

6 WHEREFORE, Plaintiffs, on behalf of themselves and all others similarly situated,
7 respectfully pray for relief, where applicable, against the Defendants as follows:

- 8 1. For economic damages for loss of past and future earnings, as well as loss of
9 earning capacity, just promotions, advancement, and employment benefits, in
10 excess of this Court’s minimum jurisdictional limits and according to proof;
- 11 2. For general damages for pain and suffering, mental and emotional trauma and
12 anguish, for the loss of enjoyment of life, according to proof;
- 13 3. For economic damages including resultant past and future medical care, job
14 search costs, other economic damages, including incidental fees and/or other
15 costs, and/or economic losses according to proof;
- 16 4. For compensatory damages, as against each named Defendant, according to proof;
- 17 5. For all wages (including base salary, bonuses, and stock) due to pursuant to
18 California Labor Code § 1197.5(h) in an amount to be ascertained at trial;
- 19 6. For statutory and civil penalties arising from the violations of California Labor
20 Code alleged herein, including under Labor Code §§ 2698, *et seq.*;
- 21 7. For liquidated damages pursuant to California Labor Code § 1197.5(h);
- 22 8. For punitive damages, as against each named Defendant, for the causes of actions
23 alleged herein, according to proof;
- 24 9. For attorneys’ fees, as provided by statute, according to proof;
- 25 10. For an order certifying this action as a class action;
- 26 11. For an order appointing Plaintiff Jane Doe 1 and Plaintiff Jane Doe 2 as Class
27 Representatives and appointing Plaintiff’s counsel as Class Counsel;
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- 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 Plaintiffs 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 public 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 pays 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 preliminary and permanent public injunctive relief enjoining Defendants from violating California Government Code § 12940, *et seq.*, by discriminating against, harassing, and retaliating against women on the basis of their sex or gender and/or on the basis of their opposition to sexual bias in the workplace; and from engaging in the unfair and unlawful business practices complained of herein in violation of California Business & Professions Code § 17200, *et seq.*;
- 16. For such further relief that the Court may deem just and proper.

DATED: September 28, 2023 GENIE HARRISON LAW FIRM, APC

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

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DATED: September 28, 2023

JML LAW, A Professional Law Corporation

By: /s/ Nicholas Sarris
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 28, 2023, I served the foregoing document described as **SECOND 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 zrussell@orrick.com ORRICK, HERRINGTON & SUTCLIFFE LLP 1000 Marsh Road Menlo Park, CA 94025-1015 Telephone: +1 650 614 7400 Facsimile: +1 650 614 7401	
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[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 28, 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 _____

