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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

KELLY ELLIS, HOLLY PEASE, KELLI  
WISURI, and HEIDI LAMAR individually  
and on behalf of all others similarly situated,

Plaintiffs,

v.

GOOGLE, LLC (formerly GOOGLE, INC.),

Defendant.

Case No. CGC-17-561299

**FIRST AMENDED CLASS ACTION  
COMPLAINT**

1. Violation of California Equal Pay Act (Labor Code §§1197.5, 1194.5)
2. Failure to Pay All Wages Due to Discharged and Quitting Employees (Labor Code §§201-203, 1194.5)
3. Unfair and Unlawful Business Practices (Bus. & Prof. Code §17200)
4. Declaratory Judgment (C.C.P. §1060 *et seq.*)

**JURY TRIAL DEMANDED**

1 Plaintiffs Kelly Ellis, Holly Pease, Kelli Wisuri, and Heidi Lamar (collectively,  
2 “Plaintiffs”), individually and on behalf of all others similarly situated, allege as follows:

### 3 **INTRODUCTION**

4 1. Plaintiffs bring this class action on behalf of themselves and on behalf of a class  
5 defined as all women employed by Google in California at any time from September 14, 2013  
6 through the date of trial in this action (“Class Period”) in the following job positions (at all levels  
7 within these job positions): Software Engineer; Senior Software Engineer; Staff Software Engineer;  
8 Senior Staff Software Engineer; Senior Manager for Business Systems Integration; Software  
9 Engineer Manager; Senior Software Engineer Manager; Network Engineer; Systems Administrator;  
10 Field Technician; Operations Engineer; Business Systems Integrator; Site Reliability Systems  
11 Engineer; Site Reliability Software Engineer; Project Manager; Technical Writer; Product Manager;  
12 Product Marketing Manager; User Experience (“UX”) Researcher; User Experience (“UX”)  
13 Engineer; Program Manager; Technical Program Manager; Enterprise Sales Operations  
14 Coordinator; Enterprise Sales Operations Associate; Sales Brand Evangelist (aka Sales Solution  
15 Senior Associate); Sales Representative; Account Representative; Account Manager; Preschool  
16 Teacher; and Infant/Toddler Teacher (collectively, “Covered Positions”).

17 2. These Covered Positions fall into six categories: Software Engineer, Senior  
18 Software Engineer, Staff Software Engineer, and Senior Staff Software Engineer are all Software  
19 Engineer Positions (sometimes collectively referred to as “Software Engineer Covered Positions”).  
20 Senior Manager for Business Systems Integration, Software Engineer Manager, and Senior  
21 Software Engineer Manager are all manager positions relating to software (sometimes collectively  
22 referred to as “Software Manager Covered Positions”). Network Engineer, Systems Administrator,  
23 Field Technician, Operations Engineer, Business Systems Integrator, Site Reliability Systems  
24 Engineer, Site Reliability Software Engineer, Project Manager, Technical Writer, Product Manager,  
25 Product Marketing Manager, UX Researcher, and UX Engineer are all engineering positions  
26 (sometimes collectively referred to as “Engineer Covered Positions”). Program Manager and  
27 Technical Program Manager are both manager positions for programs across Google in engineering  
28 (sometimes collectively referred to as “Program Manager Covered Positions”). Enterprise Sales

1 Operations Coordinator, Enterprise Sales Operations Associate, Sales Brand Evangelist (aka Sales  
2 Solution Senior Associate), Sales Representative, Account Representative, and Account Manager  
3 are all sales positions (sometimes collectively referred to as “Sales Covered Positions”). Preschool  
4 Teacher and Infant/Toddler Teacher are both Early Childhood Education Positions (sometimes  
5 collectively referred to as “Early Childhood Education Covered Positions”).<sup>1</sup>

6 3. Plaintiffs allege that Google has violated and continues to violate the California  
7 Equal Pay Act by paying women in Covered Positions less than it pays men for substantially equal  
8 work (through December 31, 2015) or for substantially similar work (from January 1, 2016  
9 forward). Plaintiffs allege that Google has violated and continues to violate the Unfair and  
10 Unlawful Business Practices Act through its violations of the Equal Pay Act and its violations of the  
11 Fair Employment and Housing Act, in the following ways: (a) assigning women to lower “Levels”  
12 (i.e. salary bands) than it assigns men; (b) assigning women to jobs that do not compensate as  
13 highly as those populated largely by men; (c) promoting women more slowly and at lower rates  
14 than it promotes men; and (d) paying women less than it pays men performing similar work.

15 **Introductory Allegations Regarding the Equal Pay Act and Unfair and Unlawful Business**  
16 **Practices Act**

17 4. Throughout the Class Period and throughout California, Google has paid and  
18 continues to pay its female employees in Covered Positions systematically lower compensation  
19 (including salary, stock, and bonuses) than Google has paid and continues to pay male  
20 employees performing substantially equal work (through December 31, 2015) or substantially  
21 similar work (from January 1, 2016 forward) under similar working conditions,<sup>2</sup> in violation of  
22 the California Equal Pay Act, California Labor Code §1197.5.

23  
24 <sup>1</sup> In accordance with the Court’s December 4, 2017 order, Plaintiffs have narrowed the Class  
25 definition to certain specified Covered Positions. Plaintiffs are informed and believe that the  
26 policies and practices described in this Complaint – including using prior pay to set salary,  
27 channeling women to lower salary levels and to lower paying job positions and paying women less  
28 than men in the same job positions and level – adversely affect women in other job positions as  
well. Plaintiffs reserve the right to move to amend to add additional Covered Positions based on  
facts obtained prior to moving for class certification.

<sup>2</sup> Throughout this First Amended Complaint, the phrase “substantially equal or substantially  
similar work” shall mean substantially equal work (through December 31, 2015) or substantially  
similar work (from January 1, 2016 forward) under similar working conditions.

1           5.       Specifically, Google has paid and continues to pay women less than men in the  
2 same job position and level (i.e. salary band), even though Google acknowledges that persons in  
3 the same job position and level perform substantially equal or substantially similar work. All four  
4 Plaintiffs experienced this violation of the Equal Pay Act in the same manner as did other  
5 women in Covered Positions.

6           6.       Google has also paid and continues to pay women less than men in the same job  
7 position but different job Levels (i.e. salary bands), because Google has placed and continues to  
8 place men in higher job Levels than women, even though women and men in the same job title  
9 but different job levels perform substantially equal or substantially similar work. Plaintiffs  
10 Kelly Ellis, Kelli Wisuri, and Heidi Lamar each experienced this violation of the Equal Pay Act  
11 in the same manner as did other women in Covered Positions. While Google's policy is that  
12 levels should correspond to duties and responsibilities as well as salary, that is not the case; in  
13 reality, women in Covered Positions often perform substantially equal or substantially similar  
14 work as men in the level above them.

15           7.       In addition, Google has paid and continues to pay women in three Covered  
16 Position job titles – Brand Evangelist, Senior Manager for Business Integration, and Program  
17 Manager – less than men in three other Covered Positon job titles – Sales Representative, Senior  
18 Software Engineer, and Technical Program Manager – even though the women and men in those  
19 positions performed substantially equal or substantially similar work. Specifically, Google paid  
20 female Brand Evangelists less than male Sales Representatives; Google paid female Senior  
21 Managers for Business Integration less than male Senior Software Engineer Managers; and  
22 Google paid female Program Managers less than male Technical Program Managers, even though  
23 the men and women in those respective Covered Positions performed substantially equal or  
24 substantially similar work. Plaintiffs Kelli Wisuri and Holly Pease each experienced this violation  
25 of the Equal Pay Act in the same manner as did other female Brand Evangelists, Senior Managers  
26 for Business Integration, and Program Managers.

27           8.       At all relevant times, Google has known or should have known of this pay disparity  
28 between its female employees in Covered Positions and male employees performing substantially

1 equal or substantially similar work, yet Google has taken no action to equalize its male and female  
2 employees' pay for substantially equal or substantially similar work. Google's failure to pay  
3 female employees the same compensation paid to male employees for substantially equal or  
4 substantially similar work has been and is willful.

5 **Introductory Allegations Regarding Violations of the Unfair Business and Practices Act**  
6 **Arising out of Violations of the Fair Employment and Housing Act**

7 9. Google violates the Unfair and Unlawful Business Practices Act ("UCL"), Business  
8 & Professions Code §§17200 *et seq.*, through its violations of the Equal Pay Act. Google also  
9 violates the UCL through the following violations of the Fair Employment and Housing Act:

10 10. Throughout the Class Period and throughout California, Google has violated and  
11 continues to violate the Fair Employment and Housing Act ("FEHA"), Government Code  
12 §12940(a), by discriminating against women with respect to their compensation and/or in the terms,  
13 conditions, and privileges of employment on the basis of sex. Specifically Google has created and  
14 implemented common compensation, promotion, and assignment policies and practices through  
15 which it: (a) assigns women to lower "levels" (i.e. salary bands) than similarly-situated men, even  
16 when these women's qualifications are equal to or greater than the men's; (b) assigns women to  
17 jobs that Google does not compensate as highly as those jobs populated largely by men, even when  
18 women are equally qualified for the more highly compensated jobs; (c) promotes women more  
19 slowly and at lower rates than similarly-situated men, even though women are equally or more  
20 qualified for promotion; and (d) pays women less than similarly-situated men. Google's violations  
21 of FEHA violate the UCL.

22 **JURISDICTION AND VENUE**

23 11. This Court has jurisdiction over this matter because Google is a corporation that  
24 maintains its headquarters in California, is licensed to do business in California, regularly conducts  
25 business in California, and committed and continues to commit the unlawful acts alleged herein in  
26 California.

27 12. Venue is proper in this Court pursuant to California Code of Civil Procedure §395.5.  
28 Google has an office in San Francisco, which is where many class members have worked and

1 continue to work for Google. Google's obligation to pay its female employees equally to its male  
2 employees, and its liability for failing to do so, therefore arise in, among other counties, the County  
3 of San Francisco.

4 **PARTIES**

5 13. Plaintiff Kelly Ellis is a woman who was employed by Google as a Software  
6 Engineer at Google's Mountain View office from approximately May 2010 to approximately July  
7 2014.

8 14. Plaintiff Holly Pease is a woman who was employed by Google as a Manager,  
9 Corporate Network Engineering; Manager, Business Systems Integration; Manager, Corporate Data  
10 Warehouse/Reporting Team; and Senior Manager, Business Systems Integration, at Google's  
11 Mountain View office and, for her final year, at Google's Sunnyvale office, from approximately  
12 August 2005 to approximately February 2016.

13 15. Plaintiff Kelli Wisuri is a woman who was employed by Google as an Enterprise  
14 Operations Coordinator, Enterprise Sales Operations Associate, and Google Brand Evangelist,  
15 Executive Communications Program (aka Sales Solutions Senior Associate), at Google's Mountain  
16 View office from approximately October 2012 to approximately January 2015.

17 16. Plaintiff Heidi Lamar is a woman who was employed by Google as a Preschool  
18 Teacher and Infant/Toddler Teacher at Google's Children Center in Palo Alto from approximately  
19 July 2013 to August 2017.

20 17. In violation of the Equal Pay Act and UCL, Google paid Plaintiffs Ellis, Pease,  
21 Wisuri, and Lamar, and other women employed by Google in the Covered Positions in California,  
22 less than men in the same Covered Positions and levels for substantially equal or similar work,  
23 throughout the Class Period. Google also assigned Plaintiffs Ellis, Wisuri, and Lamar, and other  
24 women employed by Google, to lower salary levels than comparably qualified men in the same  
25 Covered Positions, in violation of FEHA and the UCL, and paid them less than men performing  
26 substantially equal or similar work, in violation of the Equal Pay Act and UCL. In addition, Google  
27 assigned Plaintiffs Pease and Wisuri, and other women employed by Google in certain Covered  
28 Positions, to lower paying job positions than it assigned comparably qualified men in other Covered

1 Positions (to Sales Brand Evangelist instead of Sales Representatives in the case of Kelli Wisuri  
2 and other Class Members; to Senior Manager for Business Integration instead of Senior Software  
3 Engineer Manager in the case of Holly Pease and other Class Members; and to Program Manager  
4 instead of Technical Program Manager, in the case of many Class Members), in violation of FEHA  
5 and the UCL, and paid them less than men performing substantially equal or similar work, in  
6 violation of the Equal Pay Act and UCL.

7 18. Google is a corporation that develops and sells technology-related services and  
8 products. Google's San Francisco office is located at 345 Spear Street, San Francisco, California  
9 94105. Google's headquarters is located at 1600 Amphitheatre Parkway, Mountain View,  
10 California 94043. Upon information and belief, Google employs over 21,000 employees at its  
11 Mountain View office and also has employees at its six other office locations throughout California.  
12 On September 30, 2017, Google, Inc. was converted to a limited liability company and changed its  
13 name from Google, Inc. to Google, LLC. Google, LLC remains liable for all liability of Google,  
14 Inc. arising prior to the name change.

### 15 **FACTUAL ALLEGATIONS**

#### 16 **Google's Centralized Decision Making and Uniform Policies**

17 19. Throughout the Class Period, Google's central administrative officers based in its  
18 Mountain View headquarters have maintained centralized control over employees' terms and  
19 conditions of employment, including, without limitation, job and location assignment, career  
20 progression, promotion, and compensation policies, practices and procedures.

21 20. Throughout the Class Period, Google's corporate headquarters has maintained  
22 responsibility for hiring employees, setting wages, and assigning the location of employment across  
23 all of its California offices.

24 21. Throughout the Class Period, Google's compensation, assignment, and promotion  
25 policies and practices have been and continue to be centrally determined and uniformly applied to  
26 all of Google's employees throughout its California office locations.

27 22. Throughout the Class Period, Google has maintained and continues to maintain a  
28 centrally determined and uniform set of policies and/or practices for determining employees'

1 compensation throughout California, including centralized policies and/or practices for setting  
2 employees' initial pay and centralized policies and/or practices for giving employees pay raises,  
3 bonuses, and company equity. For example, Google's offices throughout California use a common  
4 organizational structure, organizing employees by job levels and ladders. Google's centralized pay  
5 structure establishes corporate-imposed compensation ranges based on employees' job ladder and  
6 level. Google's corporate headquarters sets these compensation ranges on a company-wide basis.  
7 These compensation ranges (or "levels") apply across all of Google's California offices.

8         23. Google's current compensation policies and practices have been in place since 2007,  
9 and apply to all Google employees in the Covered Positions.

10         24. Google assigns all jobs to a "job family." A job family is a professional category of  
11 jobs at Google, and all employees within the same job family perform similar job duties and  
12 responsibilities. All jobs at Google are also assigned to a "job level," corresponding to salary  
13 grade. According to Google, all employees in the same job level and job position are performing a  
14 like level of duties and responsibilities. Google assigns each employee a job code. The job code is  
15 a numeric identifier that includes job family at a specific level. For example, the number for the job  
16 family software engineer is 34. A software engineer level 3 has a job code of 3403, a software  
17 engineer level 4 has a job code of 3404, and a software engineer level five has a job code of 3405.

18         25. Google sets a base compensation for each job position.

19         26. Google expressly considers each new hire's prior compensation (*i.e.* the  
20 compensation the new hire was earning immediately prior to employment with Google) in  
21 determining that employee's compensation. If the new hire's prior compensation is at or less than  
22 Google's baseline compensation for that job position, Google pays the new employee at the  
23 baseline compensation for that job position. If a new hire's prior compensation is greater than the  
24 baseline compensation for that job position, Google pays the new employee above its baseline  
25 compensation for that job position.

26         27. Google also considers each new hire's prior compensation when deciding into what  
27 "level" to place that new hire.  
28



28. Google calculates annual merit raises as a percentage of current compensation, with the specific percentage raise based in part on each employee's performance ratings.

29. Employees generally receive a raise when they are promoted. According to Google's compensation policy, employees who are promoted may not receive a salary increase greater than 20% of their prior compensation at Google. According to Google's compensation policy, employees who are promoted may not receive a compensation increase less than 5% of their prior compensation at Google.

30. Throughout the Class Period, Google paid employees in higher salary Levels bonuses that were a higher percentage of salary than the bonuses paid to persons in lower salary Levels. For example, Google paid persons in salary Level 3 bonuses that were 15% of salary, whereas, it paid persons in Level 4 bonuses that were 20% of salary. In addition, Google paid persons in higher salary Levels more stock units and options than it paid to persons in lower salary Levels.

## OFCCP Analysis

31. The Office of Federal Contract Compliance Program (“OFCCP”) is the agency of the United States Department of Labor (“DOL”) charged with auditing government contractors to determine whether those entities are complying with certain contractually-imposed anti-discrimination obligations. Google is a government contractor. In or around September 2015, OFCCP opened a compliance audit on the Mountain View headquarters of Google.

32. As part of its audit, OFCCP performed a statistical regression analysis of the compensation data for all approximately 21,000 employees at Google’s Mountain View headquarters for the year 2015. That analysis studied all jobs, including all Covered Positions, at Google’s Mountain View Headquarters. The OFCCP’s analysis of Google’s compensation data for all 21,000 employees at its Mountain View Headquarters for the year 2015, “found systemic compensation disparities against women pretty much across the entire workforce.”<sup>3</sup> OFCCP’s analysis showed six to seven standard deviations between pay for men and women in nearly every

<sup>3</sup> *In re OFCCP v. Google, Inc.*, DOL, ALJ Case No. 2017-OFC-08004 (April 7, 2017 hearing) at 48 (testimony by OFCCP Regional Director Janette Wipper).

1 job classification in 2015.<sup>4</sup> Two standard deviations is considered statistically significant; six or  
2 seven standard deviations means there is a one in 100 million chance that the disparity occurred  
3 randomly or by chance. The Covered Positions include many of Google's heavily populated  
4 positions.

5 33. A regression model is the most common and rigorous method for conducting a pay  
6 equity analysis. A regression analysis allows a statistician to determine if there are statistically  
7 significant differences in pay between two groups, such as men and women, after taking into  
8 account, or "controlling for," variables that could legitimately explain differences in compensation.  
9 A regression analysis "controls" for each identified neutral variable by comparing groups of people  
10 who share that variable. For example, controlling for job code involves comparing people in the  
11 same job code.

12 34. OFCCP Directive 307 provides that when the OFCCP performs a regression  
13 analysis, it must determine whether the employees whose pay is being evaluated are similarly  
14 situated, considering the tasks they perform, their skills, efforts, level of responsibility, working  
15 conditions, job difficulty, minimum qualifications, and other objective factors, and then controlling  
16 for neutral job-related factors other than protected class status that might account for potential  
17 explanations of pay differences.

18 35. When performing its regression analysis, OFCCP had data about job code, which at  
19 Google includes both job position and salary level. When performing regression analyses in other  
20 cases involving other Complaints (*see* January 17, 2017 U.S. OFCCP Administrative Complaint  
21 against Oracle), OFCCP has controlled for job code (i.e. compared people having the same job  
22 code). Google concedes that employees in the same job position and level perform like level of  
23 duties and responsibilities. Accordingly, on information and belief, the OFCCP's regression  
24 analysis of data from 2015 from all 21,000 employees at Google's Mountain View Headquarters, in  
25 all jobs at Google's Mountain View Headquarters, controlled for job code. OFCCP's regression  
26  
27

28 <sup>4</sup> "Google Deliberately Confuses Its Employees, Fed Says," *Wired*, July 25, 2017 (quoting Janet Herold, Regional Solicitor for OFCCP).

1 analysis thus compared persons performing substantially equal or similar work, including persons  
2 in the Covered Positions.

### 3 **Violations of the Equal Pay Act and Unfair Competition Law**

4 36. Throughout the Class Period and throughout California, Google has maintained and  
5 continues to maintain a centrally determined and uniformly applied policy and/or practice of paying  
6 its female employees in Covered Positions less than male employees for substantially equal or  
7 similar work, when viewed as a composite of skill, effort, and responsibility, and performed under  
8 similar working conditions.

9 37. Google employees with the same job title and level in Covered Positions throughout  
10 California have performed, from the beginning of the Class Period until at least December 31, 2015,  
11 equal work on jobs the performance of which requires equal skill, effort, and responsibility, and  
12 performed under similar working conditions, and from at least January 1, 2016 until the present,  
13 substantially similar work, when viewed as a composite of skill, effort, and responsibility, and  
14 performed under similar working conditions. Throughout the Class Period, Google has paid women  
15 in the Covered Positions, including the four Plaintiffs, less than men in the same job position and  
16 level.

17 38. In addition, throughout the Class Period, Google paid Kelly Ellis and female  
18 Software Engineers, Heidi Lamar and female Preschool Teachers, and Kelli Wisuri and female  
19 Enterprise Sales Operations Coordinators and Associates, less than men performing  
20 substantially equal or similar work in the same job by slotting men into higher salary levels (i.e.  
21 salary bands).

22 39. Throughout the Class Period, Google has also paid women less than men in different  
23 job positions who are performing equal or substantially similar work, in the following three job  
24 pairings:

25 (A) Throughout the Class Period, Google has paid female Brand Evangelists, including  
26 Plaintiff Kelli Wisuri, less than male Sales Representatives even though they have  
27 performed, from the beginning of the Class Period until at least December 31, 2015, equal  
28 work on jobs the performance of which requires equal skill, effort, and responsibility, and

1 performed under similar working conditions, and from at least January 1, 2016 until the  
2 present, substantially similar work, when viewed as a composite of skill, effort, and  
3 responsibility, and performed under similar working conditions.

4 (B) Throughout the Class Period, Google has paid female Senior Managers for Business  
5 Systems Integration, including Plaintiff Holly Pease, less than male Senior Software  
6 Engineer Managers, even though they performed, from the beginning of the Class Period  
7 until at least December 31, 2015, equal work on jobs the performance of which requires  
8 equal skill, effort, and responsibility, and performed under similar working conditions, and  
9 from at least January 1, 2016 until the present, substantially similar work, when viewed as a  
10 composite of skill, effort, and responsibility, and performed under similar working  
11 conditions.

12 (C) Throughout the Class Period, Google has paid female Program Managers, less than male  
13 Technical Program Managers, even though they performed, from the beginning of the Class  
14 Period until at least December 31, 2015, equal work on jobs the performance of which  
15 requires equal skill, effort, and responsibility, and performed under similar working  
16 conditions, and from at least January 1, 2016 until the present, substantially similar work,  
17 when viewed as a composite of skill, effort, and responsibility, and performed under similar  
18 working conditions.

19 40. One reason Google unlawfully fails to pay men and women equally for substantially  
20 equal or similar work is because Google relies on prior salary (before becoming employees of  
21 Google) to set salary for new hires and to determine what compensation level into which to place  
22 each new hire. Overall, in the United States, women are paid no more than 79 cents for each dollar  
23 a man is paid. Even after adjusting for type of job, industry, experience, education, and location,  
24 women in the United States are paid no more than 92 cents for every dollar earned by a man.  
25 Google's use of prior compensation to set starting compensation for its employees perpetuates this  
26 historic pay disparity between men and women, and results in men receiving higher starting salaries  
27 than women, even when those men and women are hired into the same job position and perform  
28 substantially equal or similar work.

1           41.     Because Google routinely asks for applicants' prior salary, and uses that prior salary  
2 to determine the employees' assigned level, Google routinely assigns women to salary levels below  
3 the work that they actually perform. For example, if a woman's prior salary for a given job family  
4 falls within the salary range for Level 3, and a man's prior salary for a given job family falls within  
5 the salary range for Level 4, Google places the woman into that job family at Level 3, and places  
6 the man into that job family at Level 4, even when the man and woman actually perform the same  
7 job duties and have the same level of responsibility at Google. Google's under-leveiling of women  
8 not only resulted in Google paying them lower base salaries than if they had been properly levelled,  
9 but also resulted in Google paying them smaller bonuses and fewer stock units and options than if  
10 Google had placed them in the proper level.

11           42.     Raises at Google perpetuate and widen the gender pay gap because they are based on  
12 a percentage of the employees' existing Google salary—so the longer a woman works at Google,  
13 the less she is paid compared to similarly situated men, even men performing substantially equal or  
14 similar work in the same job position.

15           43.     Google performs internal pay equity analyses on an annual basis. Google is also  
16 required to maintain records of the wage rates, job classifications, and other terms and conditions of  
17 employment of all of its employees throughout California. Accordingly, at all relevant times,  
18 Google has known or should have known of the substantial pay disparities between its female  
19 employees in Covered Positions and male employees in Covered Positions performing substantially  
20 equal work (through December 31, 2015) or similar work (from January 1, 2016), yet Google has  
21 taken no action to equalize men and women's pay for equal or substantially similar work. Google's  
22 failure to pay female employees the same compensation paid to male employees for equal or  
23 substantially similar work has been and is willful.

24           44.     As a result of Google's unlawful pay policies and/or practices, Plaintiffs and  
25 Class Members have been denied compensation legally owed to them for work performed  
26 during the Class Period and are entitled to wages and other compensation due, interest thereon,  
27 and liquidated damages. In addition to damages, Plaintiffs also seek declaratory and injunctive  
28

1 relief enjoining Google from continuing to pay women less than men for substantially similar  
2 work.

3 **Violations of the Fair Employment Housing Act and Unfair Competition Law**

4 45. Throughout the Class Period and throughout California, Google has violated and  
5 continues to violate the Fair Employment and Housing Act (“FEHA”), Government Code  
6 §12940(a), by discriminating against women with respect to their compensation and/or in the terms,  
7 conditions, and privileges of employment on the basis of sex. Specifically Google applies common  
8 compensation, promotion, and assignment policies through which it: (a) assigns women to lower  
9 “Levels” (i.e. salary bands) than similarly-qualified men, even when women’s qualifications are  
10 equal to or greater than men’s; (b) assigns women to jobs that Google does not compensate as  
11 highly as those jobs populated largely by men, even when women are equally qualified for the more  
12 highly compensated jobs; (c) promotes women more slowly and at lower rates than similarly-  
13 situated men, even though women are equally or more qualified for promotion; and (d) pays women  
14 less than similarly-situated and/or qualified men.

15 46. Throughout the Class Period, Google relied on prior pay when setting its employees’  
16 starting salaries and assigning them to salary Levels, a policy and practice that caused Google to  
17 slot women into lower salary levels and to pay women lower starting pay than similarly qualified  
18 men. Throughout the Class Period, Google’s use of prior salaries has resulted in women in Covered  
19 Positions, including Plaintiffs Heidi Lamar, Kelly Ellis, Kelli Wisuri, being placed into lower-  
20 paying salary levels, and paid lower compensation on initial hire, than similarly qualified males.

21 47. For example, Google asked Heidi Lamar for her prior salary as an early  
22 childhood educator, and then placed her into Preschool Teacher Level 1, and paid her at that  
23 salary, even though at or around that time Google hired a male who did not have a Master’s in  
24 Teaching, as Ms. Lamar did, or as much relevant job experience as Ms. Lamar did, as a  
25 Preschool Teacher at a salary Level 2. Google paid that male at a higher hourly rate (\$21.00/hr)  
26 than it paid Ms. Lamar (\$18.51/hr), who was hired for the same job position and performed the  
27 same job duties. Similarly, Google asked Kelly Ellis about her prior salary as a Software  
28 Engineer and then paid her that salary. She was hired as a Software Engineer in the Level 3

1 salary level for entry level employees, even though she had four years of relevant job  
2 experience as a software engineer and had graduated four years earlier from the University of  
3 Virginia with a major in Applied Mathematics and a Minor in Computer Science. At the same  
4 time, Google hired a man who graduated from college in the same year as Ms. Ellis, but who  
5 had less relevant work experience, as a Software Engineer. Google placed him in salary Level  
6 4, with greater compensation, despite the fact that Kelly Ellis was similarly or more qualified to  
7 be placed in Level 4. Similarly, Google paid Kelli Wisuri her prior salary, hiring her at Level 2  
8 for entry level employees without job experience, despite her two and a half years of job  
9 experience, while simultaneously hiring similarly qualified males into the higher paying salary  
10 Level 3.

11 48. Throughout the Class Period, Google has regularly and routinely channeled and  
12 segregated women into lower-paying Levels (i.e., salary bands) than men with equal or lesser  
13 qualifications and/or paid women less than similarly qualified or situated men.

14 49. Throughout the Class Period, Google channeled women into lower paying job  
15 positions than men because of Google's stereotypes about what men and women can or should  
16 do. For example, throughout the Class Period Google has channeled women (a) into lower paying  
17 Sales Brand Evangelist (aka Sales Solutions Senior Associate) jobs instead of higher paying Sales  
18 Representative jobs; (b) into lower paying Operations jobs instead of higher paying Engineer jobs;  
19 and (c) into lower paying Program Manager jobs instead of higher paying Technical Program  
20 Manager jobs on the basis of their gender. Google not only paid higher salaries to persons  
21 employed in jobs on Engineering ladders, but also paid more stock units and options to persons on  
22 Engineering ladders.

23 50. For example, Google channeled Plaintiff Holly Pease into a Manager of Business  
24 Systems Integration position, which is in the Operations job family, but in which she  
25 supervised, among others, Software Engineers, instead of assigning her to the higher paying  
26 Software Engineer Manager position in the Engineer job family, even though she was qualified for  
27 the Software Engineer Manager position, and even though men with equal or lesser  
28 qualifications were placed into the Senior Software Engineer Manager position. Similarly,

1 Google channeled Plaintiff Kelli Wisuri into the Sales Brand Evangelist (a.k.a. Sales Solutions  
2 Senior Associate) job, instead of the higher paying Sales Representative job for which she was  
3 qualified. Google also channeled Class Members into the Program Manager position, even though  
4 males with no greater qualifications and experience were placed into Technical Program Manager  
5 Positions and paid more.

### 6 **CLASS ACTION ALLEGATIONS**

7 51. Plaintiffs bring their first through fourth causes of action on behalf of themselves  
8 and on behalf of the following proposed class (“Class”):

9 All women employed by Google in California in a Covered Position (see ¶1) at any  
10 time during the time period beginning September 14, 2013 through the date of trial in  
11 this action.

12 52. This action is appropriately suited for a class action pursuant to Code of Civil  
13 Procedure §382 because there exists an ascertainable and sufficiently numerous Class, a well-  
14 defined community of interest, and substantial benefits from certification that render proceeding as  
15 a class superior to the alternatives.

16 53. Numerosity and Ascertainability. The size of the Class makes a class action both  
17 necessary and efficient. The proposed Class includes thousands of current and former female  
18 Google employees located across California. Members of the Class are ascertainable through  
19 Google’s records, but are so numerous that joinder of all individual Class members would be  
20 impractical.

21 54. Predominant Common Questions of Law and Fact. Common questions of law and  
22 fact affecting the rights of all Class members predominate over individualized issues. These  
23 common questions include, but are not limited to: (a) whether Google has a systemic policy and/or  
24 practice of paying its female employees in Covered Positions at wage rates lower than those paid to  
25 its male employees performing substantially equal or similar work under similar conditions; (b)  
26 whether Google’s systemic policy and/or practice of paying its female employees in Covered  
27 Positions at wage rates lower than those paid to their male counterparts violates the California  
28 Equal Pay Act, as amended, Labor Code §§1197.5 *et seq.*; (c) whether Google has a systemic policy



1 and/or practice of paying women in Covered Positions less than similarly-situated and/or qualified  
2 men; (d) whether Google has a systemic policy and or practice of assigning and channeling women  
3 in Covered Positons to lower paying job positions, job ladders and salary Levels; (e) whether  
4 Google's systemic policy and/or practice of paying its female employees in Covered Positions at  
5 wage rates lower than those it paid to their male counterparts was willful; (f) whether Google's use  
6 of prior pay to determine starting salary has an adverse effect on women, in terms of compensation,  
7 position, or Level assigned; (g) whether Google's systemic policy and/or practice of paying women  
8 less than similarly-situated and/or qualified men violates FEHA; and (h) whether Google's policies  
9 and practices violate the Unfair Competition Law.

10       55.     Typicality: All four Plaintiffs' claims are typical of the Equal Pay Act claims (and  
11 UCL claims arising out of EPA claims) of the Class as a whole because all four Plaintiffs are  
12 women who were employed by Google in Covered Positions in California during the Class Period  
13 and were paid less than male employees for substantially equal work (through December 31, 2015)  
14 or similar work (from January 1, 2016 forward). Plaintiffs Lamar, Ellis, and Wisuri's claims are  
15 typical of the Unfair Competition Law claims arising out of the FEHA claims of women who were  
16 assigned to lower pay levels because of Google's practice of relying on prior salary when setting a  
17 new hire's salary. Plaintiffs Pease, and Wisuri's claims are typical of Unfair Competition Law  
18 claims based on the FEHA claims of women assigned to lower paying jobs and ladders than  
19 similarly situated males because of gender stereotypes.

20       56.     Adequacy of Representation. Plaintiffs will fairly and adequately represent the  
21 interests of the Class because their individual interests are consistent with, and not antagonistic to,  
22 the interests of the Class, and because Plaintiffs have retained counsel who have the requisite  
23 resources and ability to prosecute this case as a class action and are experienced labor and  
24 employment attorneys who have successfully litigated other cases involving similar issues,  
25 including in class actions.

26       57.     Superiority of Class Mechanism. Class certification is appropriate because common  
27 questions of law and fact predominate over any questions affecting only individual Class Members.  
28 Google's liability in this case is based on uniform company policies and procedures applicable to

1 all Covered Positions, including, but not limited to, its policy of relying on prior salary to determine  
2 Google starting pay and job level. The compensation that Google owes to each individual Class  
3 Member is small in relation to the expense and burden of individual litigation to recover that  
4 compensation. The prosecution of separate actions against Google by individual Class Members  
5 could create a risk of inconsistent or varying adjudications which could establish incompatible  
6 standards of conduct for Google. A class action is superior to other available methods for the fair  
7 and efficient adjudication of the controversy set forth herein.

### 8 **ALLEGATIONS OF NAMED PLAINTIFFS**

#### 9 **Plaintiff Kelly Ellis**

10 58. Plaintiff Ellis was hired by Google in 2010 as a Software Engineer. During the  
11 hiring process, Google asked Ms. Ellis about her prior salary. Google then offered Ms. Ellis  
12 essentially the same base salary as she had received at her prior job.

13 59. Ms. Ellis graduated from the University of Virginia in 2006 with a bachelor's degree  
14 in applied mathematics and a minor in computer science. At the time of her hiring, she had four  
15 years' experience working in backend software engineering. Google hired Ms. Ellis as a Software  
16 Engineer but placed her into Level 3, even though she had four years of directly relevant work  
17 experience. Level 3 is the level to which Google typically assigns new college graduates. Google  
18 placed Ms. Ellis into Level 3 rather than Level 4 because her prior salary fit within Google's Level  
19 3 salary range. At the time of her hiring, Ms. Ellis was qualified to work as a Software Engineer  
20 Level 4 at Google.

21 60. Within a few weeks of hiring Ms. Ellis, Google hired a male who had less relevant  
22 job experience as a Software Engineer on Ms. Ellis's Software Engineer team. Even though that  
23 male, like Ms. Ellis, had graduated from college in 2006, and had less relevant job experience,  
24 Google placed him into the higher-paying salary Level 4.

25 61. Even though Ms. Ellis performed substantially equal work to the male 2006 graduate  
26 hired onto her Software Engineer group and to other male Software Engineers in the level  
27 immediately above her, Level 4, she was paid less for the same work.  
28

1           62.     While Ms. Ellis was a Level 3 Software Engineer, she performed substantially equal,  
2 or more advanced, work than men who Google assigned as Level 3 Software Engineers. While Ms.  
3 Ellis was a Level 3 Software Engineer, she earned less than male Level 3 Software Engineers,  
4 despite performing substantially equal (or more advanced) work than those males.

5           63.     Ms. Ellis received excellent performance reviews. Senior software engineers that  
6 she worked with quickly recognized that she had been under-levelled, and suggested she apply for a  
7 promotion consistent with her skill, experience, and the work she was already performing at  
8 Google. But the first time Ms. Ellis applied for a promotion, Google denied her application.  
9 Although Google acknowledged her excellent performance, it refused to pay her at the same rate as  
10 men performing substantially equal or similar work on the ground that she had not been at the  
11 company long enough to merit a promotion. Ms. Ellis eventually obtained the higher-paying Level  
12 4 designation that was given to her male counterparts on their first day on the job—but by that time,  
13 her male counterparts were on their way to even higher levels and compensation for similar work,  
14 ensuring that she would never catch up on the gender pay gap. Near the end of her employment at  
15 Google, Ms. Ellis was finally promoted to Software Engineer level 5, but again, could not catch up  
16 and remained underpaid compared to male Software Engineers performing substantially equal  
17 work.

18           64.     While a Software Engineer Level 4, Ms. Ellis continued to be paid less than Google  
19 paid male Software Engineers performing substantially equal work, including male Software  
20 Engineers at Level 4. While a Software Engineer Level 5, Ms. Ellis was paid less than male  
21 Software Engineers performing substantially equal work, including male Software Engineers at  
22 Level 5.

23           65.     Because Google initially placed Ms. Ellis into a Level below that warranted by her  
24 skills and qualifications, she was under-leveled during most of her time at Google: That is, she  
25 performed Level 4 work while assigned to Level 3 and performed Level 5 work while assigned to  
26 Level 4. Google consistently underpaid Ms. Ellis in comparison to what it paid male Software  
27 Engineers who were performing substantially equal work.  
28

66. While a Software Engineer at Google, Ms. Ellis's job duties and the job duties of the male Software Engineers at her level and the level above her consisted of writing code, designing systems, designing code, and code reviews. During the time Ms. Ellis was at Google she performed substantially equal work to the other Google Software Engineers in her salary level and the salary level immediately above hers.

67. Ms. Ellis resigned from Google in approximately July 2014 because of the sexist culture at Google.

68. For the entire time that Ms. Ellis worked at Google, she was paid less than men for substantially equal work performed under similar working conditions, when viewed as a composite of skill, effort, and responsibility.

**Plaintiff Holly Pease**

69. Plaintiff Pease was hired by Google in 2005 as a corporate network manager. At the time of her hiring, she had over 10 years' experience working as a network engineer, Director of Network Engineering, and Vice President of Network Engineering. Shortly after she was hired, she became a data warehouse manager.

70. In 2011, Ms. Pease was promoted to Senior Manager for Business Systems Integration. In that position, she managed a team, including Software Engineers that developed software applications for Google's internal infrastructure. As a senior manager, she eventually managed a total of about 50 software engineers and analysts across multiple teams. During that time, she received excellent performance reviews for her work.

71. Most of the employees Ms. Pease managed were Software Engineers on “Engineering” job ladders. Other senior managers in her Corporate Engineering group were men; the men were on an “Engineering” ladder and had the title of Senior Software Engineer Manager. Ms. Pease was on an “Operations” ladder. Ms. Pease and those male managers both managed large groups of employees developing software applications for Google’s general and administrative services, including finance, marketing, human resources, and operations. Although Ms. Pease performed substantially equal work to those male managers, to other Senior Managers for Business Systems Integration, and to other Senior Software Engineer Managers, Google paid her less than

1 male Senior Managers for Business Systems Integration and Senior Software Engineer Managers  
2 for substantially equal work.

3 72. In or around 2013, Google reorganized its ladders to transition engineers from the  
4 Operations ladder to Engineering ladders. Ms. Pease coached employees she managed who were  
5 still on the “Operations” ladder on how to pass the technical interviews necessary to convert to the  
6 “Engineering” ladder. Google re-assigned almost all of these employees to the higher-paying  
7 Software Engineering ladder, including a male manager one level below Ms. Pease whom she  
8 personally coached, and who, despite performing poorly on a technical interview, was assigned to  
9 the Software Engineering ladder because he managed software engineers. The transitioned  
10 employees’ job duties did not change after Google re-assigned them to a higher-paying  
11 “Engineering” ladder.

12 73. Google refused to pay Ms. Pease at the same rate as similar employees on the  
13 “Engineering” ladder, even though she and they were all performing substantially equal or similar  
14 work. Ms. Pease’s two interviewers, both men, did not ask her any technical questions, and one  
15 interviewer did not even bother to take notes of the meeting with her. Google ultimately denied  
16 Ms. Pease re-assignment to the higher-paying “Engineering” ladder on the false pretext that she  
17 lacked technical influence, even though she had decades of technical experience and even though  
18 she—like the male manager she coached into a similar re-assignment—managed large groups of  
19 software engineers. Ms. Pease continued to perform substantially equal or similar work to the male  
20 employees whom Google assigned to the “Engineering” ladder – supervising groups of employees  
21 developing software applications for Google – but Google paid her less than those males.

22 74. While Ms. Pease was on medical leave, Google transferred the employees she  
23 managed to another group. When she returned from medical leave, the only position made  
24 available to her was a non-engineering position in physical security. Ms. Pease was paid less than  
25 the men in that same position performing substantially equal work. Ms. Pease received excellent  
26 performance reviews in her new position. Nonetheless, due to the lack of engineering opportunities  
27 available to her and other women at Google, the denial of compensation commensurate with her  
28

1 duties and skills relative to similarly situated and qualified men, and the stalling out of her career at  
2 the company, Ms. Pease resigned in February 2016.

3 75. For the entire time that Ms. Pease worked at Google, she was paid less than men for  
4 substantially equal or similar work performed under similar working conditions, when viewed as a  
5 composite of skill, effort, and responsibility.

6 **Plaintiff Kelli Wisuri**

7 76. Plaintiff Wisuri joined Google in October 2012 when the company where she  
8 worked was acquired by Google. Ms. Wisuri graduated from the University of California–Berkeley  
9 in 2007 with a bachelor’s degree in philosophy. At the time of her hiring, she had two-and-a-half  
10 years’ experience working as a salesperson. Google, however, placed her into Level 2, which was  
11 the lowest level available to permanent, full-time employees, and usually reserved for people  
12 coming straight out of college. Google paid Ms. Wisuri the same salary as she had received in her  
13 prior job. Google placed Ms. Wisuri into the entry Level 2 salary grade because her prior salary fit  
14 within Google’s Level 2 salary range. Ms. Wisuri was qualified to be placed into Level 3. Google  
15 placed and places male employees with similar sales qualifications and experience into Level 3 or  
16 higher, and paid and pays them more than it paid Ms. Wisuri.

17 77. Googled hired Ms. Wisuri as an Enterprise Sales Operations Coordinator and then  
18 promoted her to Enterprise Sales Operations Associate. When Ms. Wisuri was a Level 2 Enterprise  
19 Sales Operations Coordinator, she was paid less than men performing substantially equal work as  
20 Level 2 Enterprise Sales Operations Coordinators. When Ms. Wisuri was a Level 3 Enterprise  
21 Sales Operations Associate, Google paid her less than men performing substantially equal work as  
22 Level 3 Enterprise Sales Operations Associates.

23 78. Because Ms. Wisuri was under-leveled when she began work at Google, she  
24 consistently performed work at the level above the level to which she was assigned. When Ms.  
25 Wisuri worked for Google as an Enterprise Sales Operations Coordinator and an Enterprise Sales  
26 Operations Associate, Google paid her less than men performing substantially equal work, whom it  
27 had assigned to the salary level above her.  
28

1           79.     Despite Ms. Wisuri's sales experience, Google did not place her on the Sales ladder.  
2     Rather, Google placed Ms. Wisuri on the Sales Enablement ladder. Employees in Sales  
3     Enablement jobs earn considerably less compensation than employees in Sales jobs. Almost all of  
4     the employees on the Sales teams Ms. Wisuri worked with were men. About 50% of the employees  
5     in Sales Enablement jobs were women.

6           80.     In 2014, Ms. Wisuri became a Google Brand Evangelist (formally titled Sales  
7     Solution Senior Associate) in the Google Executive Communications Program. Her job duties  
8     included preparing and presenting sales pitches to the executive teams of clients with more than \$10  
9     million in brand marketing sales to Google. Her role was part of Google's "sales funnel," and she  
10    worked with Sales teams both before and after the pitches. During her time at Google, she was  
11    responsible for bringing in significant new revenue to Google. Although Ms. Wisuri was  
12    performing work that was substantially equal to that performed by her male counterparts on the  
13    Sales team, she remained on the Sales Enablement ladder, which is less compensated and provides  
14    fewer opportunities for career advancement into higher-paying jobs.

15          81.     As a Brand Evangelist, Ms. Wisuri worked with Sales Representatives in preparing  
16    sales pitches to potential clients to get the clients excited about Google products. She trained the  
17    Sales Representatives to make similar pitches. After making the sales pitches to the clients, she  
18    worked with Sales Representatives to sell the Google product to the clients. Even though during the  
19    period Ms. Wisuri worked as a Brand Evangelist her work was substantially equal to that of Sales  
20    Representatives with whom she worked and to other Sales Representatives who worked on other  
21    products, she was paid less than the male Sales Representatives.

22          82.     For the entire time that Ms. Wisuri worked at Google, she was paid less than men for  
23    substantially equal work performed under similar working conditions, when viewed as a composite  
24    of skill, effort, and responsibility.

25          83.     Ms. Wisuri resigned from Google in January 2015.

26                   **Plaintiff Heidi Lamar**

27          84.     Heidi Lamar graduated from Bennington College with a B.A. in Literature and  
28    Teaching and a Master's in Teaching for the Early Childhood level. Before coming to work at

1 Google, she had five years of relevant job experience – one year of full-time student teaching in an  
2 inclusive pre-school classroom and four year as an Early Childhood Educator in a pre-school with  
3 the same teaching philosophy as Google's.

4 85. In July 2013, Google hired Ms. Lamar as a Preschool Teacher. Google asked Ms.  
5 Lamar what her previous salary had been and paid her that salary – \$18.51 per hour. Google slotted  
6 Ms. Lamar into salary Level 1, even though she had five years of job experience. Google placed  
7 Ms. Lamar into Level 1 rather than Level 2 because her prior salary fit within the Level 1 salary  
8 range. Ms. Lamar was qualified to be placed into Level 2.

9 86. Around the same time Google hired Ms. Lamar, it hired a male as Preschool Teacher  
10 who did not have a Master's in Teaching and did not have as much relevant job experience as Ms.  
11 Lamar, and slotted him in at salary Level 2, paying him \$21.00 per hour.

12 87. During the time Ms. Lamar worked as a Preschool Teacher for Google, Google  
13 employed approximately 150 Preschool Teachers – approximately 147 of whom were female, and  
14 three of whom were male. Two of the three males were hired into salary Level 2. Ms. Lamar is only  
15 aware of one woman whom Google hired into salary Level 2 around or after Ms. Lamar's start date,  
16 and that woman had over ten years of job experience. All the other women were hired into salary  
17 Level 1.

18 88. Ms. Lamar was eventually promoted to salary Level 2, and in late 2016 was  
19 promoted to salary Level 3.

20 89. During the time from when Google hired Ms. Lamar as a Preschool Teacher in July  
21 2013, until late 2016, when she was promoted to level 3, she performed substantially equal or  
22 similar work to the male Level 1 and Level 2 Preschool Teachers – but she was paid less than those  
23 males. During the time Ms. Lamar was a Preschool Teacher and Infant/Toddler Teacher at Google,  
24 the job duties for Preschool and Infant/Toddler teachers at all levels were as follows:

- 25 a. Provide responsive, relationship-based care and create a stimulating  
26 environment for children. Develop creative and age-appropriate activities  
27 based on child's interests. Create a nurturing environment for play and  
28 exploration for children;



- b. Build and nurture partnerships with parents, including parent communication and involvement;
- c. Work in a collaborative relationship with other staff in classroom and with management team;
- d. Perform regular maintenance/cleaning tasks e.g. arranging the classroom and the yard each evening and each morning, moving light weight furniture, picking up toys, picking up boxes, emptying the contents, breaking down boxes; and
- e. Adhere to procedures related to supervision, boundaries and safety of children at all times. Follow mandated reporting requirements as stated by CA licensing and best practices

90. In March 2017, Ms. Lamar learned that Google had hired a similarly situated male at a higher salary than it paid to her when she started. She asked Google to pay her for the wage discrepancy from her initial hire until she was promoted to salary Level 3 in late 2016. Google refused. Ms. Lamar resigned from Google in August 2017.

#### **FIRST CAUSE OF ACTION**

##### **Violation of the California Equal Pay Act Cal. Labor Code §§1197.5 *et seq.*, 1194.5**

**(Brought by Plaintiffs Pease, Wisuri, and Lamar, and on Behalf of Themselves and the Plaintiff Class)**

91. Plaintiffs hereby re-allege and incorporate by reference all allegations in each and every preceding paragraph as if fully set forth herein.

92. Throughout the Class Period, Google has violated California Labor Code §§1197.5 *et seq.* as to Plaintiffs and all Class Members by paying its female employees at wage rates less than the wage rates it has paid and pays to its male employees for substantially equal or similar work, when viewed as a composite of skill, effort, and responsibility, and performed under similar working conditions.

93. From the beginning of the Class Period until at least December 31, 2015, Google paid women less (including base salary, bonuses, and stock) than it paid men in the same establishment (which includes all of Google's office locations in California) for equal work on jobs

1 the performance of which required equal skill, effort, and responsibility, and performed under  
2 similar working conditions. From at least January 1, 2016 until the present, Google has paid  
3 women less (including base salary, bonuses, and stock) than men in the same establishment (i.e. all  
4 of Google's California offices) for substantially similar work, when viewed as a composite of skill,  
5 effort, and responsibility, and performed under similar working conditions.

6 94. Throughout the Class Period, Google has maintained and continues to maintain a  
7 centrally determined and uniformly applied policy and/or practice throughout California of not  
8 adjusting employees' wage rates to ensure that it does not pay its female employees less than its  
9 male employees for substantially equal or similar work.

10 95. Google's failure to pay women and men equal wages for performing substantially  
11 equal or similar work is not justified by any lawful reason.

12 96. Google has willfully violated California Labor Code §1197.5 by intentionally,  
13 knowingly, and/or deliberately paying women less than men for substantially equal or similar work  
14 throughout the Class Period.

15 97. As a result of Google's ongoing conduct, violation of California Labor Code  
16 §1197.5, and/or willful discrimination, Plaintiffs Pease, Wisuri, Lamar, and Class Members have  
17 suffered and will continue to suffer harm, including but not limited to lost earnings, lost benefits,  
18 and other financial loss, as well as non-economic damages.

19 98. Plaintiffs Pease, Wisuri, Lamar, and Class Members are entitled to all legal and  
20 equitable remedies available under law, including compensation (including salary, bonuses, and  
21 stock), wages, interest, and liquidated damages.

22 **SECOND CAUSE OF ACTION**

23 **Failure to Pay All Wages Due to Discharged and Quitting Employees**  
24 **Cal. Labor Code §§201-203, 1194.5**  
25 **(Brought by Plaintiffs Pease, Wisuri, and Lamar on Behalf of Themselves and the**  
26 **Plaintiff Class)**

27 99. Plaintiffs hereby re-allege and incorporate by reference all allegations in each and  
28 every preceding paragraph as if fully set forth herein.

100. Pursuant to California Labor Code §§201, 202, and 203, Google is required to pay  
all earned and unpaid wages to an employee who is discharged or quits. California Labor Code

1 §201 mandates that if an employer discharges an employee, the employee's wages accrued and  
2 unpaid at the time of discharge are due and payable immediately. California Labor Code §202  
3 mandates that if an employee quits, the employee's wages accrued and unpaid at the time of  
4 quitting are due and payable no later than 72 hours after the employee quits her employment, unless  
5 the employee provided at least 72 hours of notice of her intention to quit, in which case the wages  
6 are due immediately at the time of quitting.

7 101. California Labor Code §203 provides that if an employer willfully fails to pay in  
8 accordance with California Labor Code §§201 and 202 any wages of an employee who is  
9 discharged or who quits, the employer is liable for waiting time penalties in the form of continued  
10 compensation to the employee at the same rate for up to 30 work days.

11 102. By paying Plaintiffs Pease, Wisuri, and Lamar and Class members lower wages than  
12 wages paid to their male counterparts for performing substantially equal or similar work, Google  
13 has willfully failed and continues to fail to pay all accrued wages due to Plaintiffs Pease, Wisuri,  
14 and Lamar and Class members who have been discharged or who have quit, in violation of Labor  
15 Code §§201 and 202, respectively.

16 103. As a result of Google's unlawful actions and omissions, Plaintiffs Pease, Wisuri and  
17 Lamar and former employee Class members are entitled to all available statutory penalties,  
18 including the waiting time penalties provided in California Labor Code §203, together with interest  
19 thereon, as well as other available remedies.

### 20 **THIRD CAUSE OF ACTION**

#### 21 **Unlawful and Unfair Business Practices**

#### 22 **Cal. Bus. & Prof. Code §17200 *et seq.***

#### 23 **(Brought by All Plaintiffs on Behalf of Themselves and the Plaintiff Class)**

24 104. Plaintiffs hereby re-allege and incorporate by reference all allegations in each and  
25 every preceding paragraph as if fully set forth herein.

26 105. Google's policies and/or practices of paying female employees less than male  
27 employees for substantially equal or similar work performed, of discriminating against female  
28 employees in compensation and the terms, conditions, and privileges of employment on the basis of  
sex, and of failing to timely pay female employees who are discharged or who quit all wages earned

1 and due, constitute unfair and unlawful business practices because Google's acts and omissions as  
2 alleged herein have been conducted repeatedly over a significant period of time, and in a systematic  
3 manner, to the detriment of Plaintiffs and Class Members.

4 106. Google's acts and omissions, as alleged herein, violate the California Equal Pay Act,  
5 as amended, Labor Code §1197.5 *et seq.*, the California Fair Employment and Housing Act,  
6 Government Code §12940, and California Labor Code §§201, 202, and 203, and therefore  
7 constitute unlawful business practices prohibited by Business & Professions Code §17200 *et seq.*

8 107. Google's acts and omissions, as alleged herein, constitute unfair business practices  
9 prohibited by Business & Professions Code §§17200 *et seq.* Google's business practices of paying  
10 women less than men for substantially similar work, of paying women less than similarly-situated  
11 men, of assigning and keeping women in lower levels and less highly compensated job ladders than  
12 similarly-qualified men, and of failing to promote women cause harm to Plaintiffs and Class  
13 members that outweighs any reason Google may have for doing so. Google's business practices as  
14 alleged herein are also immoral, unethical, oppressive, unscrupulous, and offensive to the  
15 established public policies of ensuring women and men are paid equally for performing  
16 substantially similar work, as reflected in both the California Equal Pay Act, Cal. Labor Code  
17 §§1197.5 *et seq.*, and the federal Equal Pay Act, 29 U.S.C. §206(d) *et seq.*, and of ensuring women  
18 are not discriminated against in the workplace, as reflected in both the California Fair Employment  
19 and Housing Act, Cal. Gov't Code §12940 *et seq.*, and Title VII of the Civil Rights Act of 1964, 42  
20 U.S.C. §2000e *et seq.*

21 108. As a result of its unlawful and/or unfair business practices, Google has reaped and  
22 continues to reap unfair and illegal profits at the expense of Plaintiffs and Class members.  
23 Accordingly, Google should be required to disgorge its illegal profits, and to pay Plaintiffs and  
24 Class members are entitled to restitution with interest of such ill-gotten profits in an amount  
25 according to proof at the time of trial.

26 109. Google's unlawful and/or unfair business practices entitle Plaintiffs and Class  
27 members to preliminary and permanent injunctive relief and other equitable relief available under  
28 law.

1 **FOURTH CAUSE OF ACTION**

2 **Declaratory Judgment**  
3 **Cal. C.C.P. § 1060 et seq.**

4 **(Brought by All Plaintiffs on Behalf of Themselves and the Plaintiff Class)**

5 110. Plaintiffs hereby re-allege and incorporate by reference all allegations in each and  
6 every preceding paragraph as if fully set forth herein.

7 111. An actual controversy has arisen and now exists between the parties relating to the  
8 legal rights and duties of the parties as set forth above, for which Plaintiffs desire a declaration of  
9 rights and other relief available pursuant to the California Declaratory Judgment Act, C.C.P. §1060  
10 *et seq.*

11 112. A declaratory judgment is necessary and proper in that Plaintiffs contend that  
12 Google has committed and continues to commit the violations set forth above and, on information  
13 and belief, Google will deny that it has done so and/or will continue to commit such acts.

14 **PRAYER FOR RELIEF**

15 WHEREFORE, Plaintiffs, on behalf of themselves and all others similarly situated,  
16 respectfully pray for relief against Google as follows:

- 17 1. For an order certifying this action as a class action;
- 18 2. For an order appointing Plaintiffs Ellis, Pease, Wisuri, and Lamar, as Class  
19 representatives, and appointing Plaintiffs' counsel as Class counsel;
- 20 3. For all wages (including base salary, bonuses, and stock) due pursuant to California  
21 Labor Code §1197.5(h) in an amount to be ascertained at trial;
- 22 4. For liquidated damages pursuant to California Labor Code §1197.5(h);
- 23 5. For prejudgment interest on unpaid wages at a rate of 10% per annum pursuant to  
24 California Labor Code §1197.5(h) and California Civil Code §§3287-3288, and/or any other  
25 applicable provision providing for prejudgment interest;
- 26 6. For statutory and civil penalties according to proof, including but not limited to all  
27 waiting time penalties authorized by California Labor Code §203;
- 28 7. For restitution of all monies due to Plaintiffs and Class Members, as well as  
disgorgement of Google's profits from its unlawful and/or unfair business practices;

1           8.     For declaratory relief;  
2           9.     For preliminary and permanent injunctive relief enjoining Google from violating  
3 California Labor Code §§1197.5 *et seq.* by paying its female employees lower wage rates than it  
4 pays their male counterparts for substantially similar work; and from engaging in the unfair and  
5 unlawful business practices complained of herein in violation of the Business and Professions  
6 Code §§17200 *et seq.*;

7           10.    For reasonable attorneys' fees and costs pursuant to California Labor Code  
8 §1197.5(h), California Code of Civil Procedure §1021.5, and/or any other applicable provision  
9 providing for attorneys' fees and costs; and

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

11  
12 Dated: January 3, 2018

13 By: 

James M. Finberg

14 JAMES M. FINBERG  
15 EVE H. CERVANTEZ  
16 CORINNE F. JOHNSON  
Altshuler Berzon LLP

17 By: 

Kelly M. Dermody 

18 KELLY M. DERMODY  
19 ANNE B. SHAVER  
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Lieff Cabraser Heimann & Bernstein LLP

22 *Attorneys for Plaintiffs and the Proposed Class*  
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24  
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26  
27  
28

1 **DEMAND FOR JURY TRIAL**

2 Plaintiffs Kelly Ellis, Holly Pease, Kelli Wisuri, and Heidi Lamar on behalf of themselves  
3 and all others similarly situated, hereby demand a jury trial with respect to all issues triable of right  
4 by jury.

5 Respectfully submitted,

6 Dated: January 3, 2018

7 By: 

8 James M. Finberg

9 JAMES M. FINBERG  
10 EVE H. CERVANTEZ  
11 CORINNE F. JOHNSON  
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17 *Attorneys for Plaintiffs and the Proposed Class*  
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**PROOF OF SERVICE**

**CASE:** *Ellis et al. v. Google, Inc.*,

San Francisco County Superior Court, Case No. CGC-17-561299

I am over eighteen years of age and not a party to this action. My business address is: Altshuler Berzon, LLP, 177 Post Street, Suite 300, San Francisco, CA, 94108. My electronic service address is rlangsam@altber.com. On January 3, 2018, I served the following document(s):

**FIRST AMENDED CLASS ACTION COMPLAINT**

on the parties, through their attorneys of record, for service as designated below:

**By File & Serve Express:** The documents were served electronically by filing with File & Serve Express, the Electronic Filing Service Provider designated for this matter by the Court.

**By First Class Mail:** I placed the envelope, sealed and with first-class postage fully prepaid, for collection and mailing following our ordinary business practices. I am readily familiar with the practice of Altshuler Berzon LLP for the collection and processing of correspondence for mailing with the United States Postal Service. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Mail Postal Service in San Francisco, California, for collection and mailing to the office of the addressee on the date shown herein.

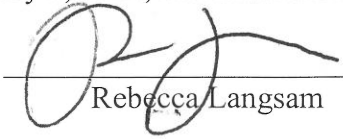
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*Attorneys for Defendant Google Inc.*

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed January 3, 2018, at San Francisco, California.

  
Rebecca Langsam