

1 JAMES M. FINBERG (SBN 114850)  
EVE H. CERVANTEZ (SBN 164709)  
2 CORINNE F. JOHNSON (SBN 287385)  
Altshuler Berzon LLP  
3 177 Post Street, Suite 300  
San Francisco, California 94108  
4 Telephone: (415) 421-7151  
Facsimile: (415) 362-8064  
5 E-mail: jfinberg@altshulerberzon.com  
ecervantez@altshulerberzon.com  
6 cjohnson@altshulerberzon.com

7 KELLY M. DERMODY (SBN 171716)  
ANNE B. SHAVER (SBN 255928)  
8 MICHELLE LAMY (SBN 308174)  
Lieff Cabraser Heimann & Bernstein LLP  
9 275 Battery St., 29th Floor  
San Francisco, CA 94111  
10 Telephone: (415) 956-1000  
Facsimile: (415) 956-1008  
11 E-mail: kdermody@lchb.com  
ashaver@lchb.com  
12 mlamy@lchb.com

13 Attorneys for Plaintiffs KELLY ELLIS,  
HOLLY PEASE, and KELLI WISURI, on  
14 behalf of themselves and all others similarly  
situated

15 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
16 COUNTY OF SAN FRANCISCO

17  
18 KELLY ELLIS, HOLLY PEASE, and KELLI  
WISURI, individually and on behalf of all  
19 others similarly situated,

20 Plaintiffs,

21 v.

22 GOOGLE, INC.,

23 Defendant.  
24  
25  
26  
27  
28

ENDORSED  
FILED  
Superior Court of California  
County of San Francisco  
SEP 14 2017  
CLERK OF THE COURT  
BY: ROSSALY DELAVEGA  
Deputy Clerk

CGC-17-561299

Case No.: \_\_\_\_\_

**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, and Kelli Wisuri (collectively "Plaintiffs"),  
2 individually and on behalf of all others similarly situated, are informed and believe, and thereon  
3 allege, as follows:

4 **INTRODUCTION**

5 1. Plaintiffs bring this class action on behalf of themselves and on behalf of a class  
6 defined as all women employed by Defendant Google, Inc. ("Google") in California at any time  
7 during the time period beginning four years prior to the filing of this Complaint through the date  
8 of trial in this action ("Class Period").

9 2. Throughout the Class Period and throughout California, Google has discriminated  
10 and continues to discriminate against its female employees by systematically paying them lower  
11 compensation than Google pays to male employees performing substantially similar work under  
12 similar working conditions, in violation of the California Equal Pay Act, Labor Code §1197.5.  
13 Google's failure to pay women and men equal compensation for substantially similar work is not  
14 justified by any lawful reason.

15 3. Throughout the Class Period and throughout California, Google has discriminated  
16 and continues to discriminate against its female employees by paying female employees less than  
17 male employees with similar skills, experience, and duties; by assigning and keeping women in  
18 job ladders and levels with lower compensation ceilings and advancement opportunities than  
19 those to which men with similar skills, experience, and duties are assigned and kept; and by  
20 promoting fewer women and promoting women more slowly than it has promoted similarly-  
21 qualified men. The net result of this systemic discrimination is that Google pays women less  
22 than men for comparable work.

23 4. At all relevant times, Google has known or should have known of the pay  
24 disparity between its female and male employees, yet Google has failed to equalize men's and  
25 women's pay for substantially similar work. Google's failure to pay female employees the same  
26 compensation paid to male employees for substantially similar work has been and is willful.

27 5. As a result of Google's discriminatory and unlawful pay, job assignment, and  
28 promotion policies and/or practices, Plaintiffs and class members have been denied opportunities

1 and fair wages during the Class Period, and they are entitled to wages due, interest thereon, and  
2 liquidated damages. In addition to damages, Plaintiffs also seek declaratory and injunctive relief  
3 enjoining Google from continuing to pay women less than men for substantially similar work,  
4 including by segregating women into lesser compensated jobs than men with similar skills and  
5 experience; and from failing to promote women at the same rate or pace as men.

#### 6 JURISDICTION AND VENUE

7 6. This Court has jurisdiction over this matter because Google is a corporation that  
8 maintains its headquarters in California, is licensed to do business in California, regularly  
9 conducts business in California, and committed and continues to commit the unlawful acts  
10 alleged herein in California.

11 7. Venue is proper in this Court pursuant to California Code of Civil Procedure  
12 §395.5. Google has an office in San Francisco, which is where many class members have  
13 worked and continue to work for Google. Google's obligation to pay its female employees  
14 equally to its male employees, and its liability for failing to do so, therefore arise in, among other  
15 counties, the County of San Francisco.

#### 16 PARTIES

17 8. Plaintiff Kelly Ellis is a woman who was employed by Google as a Software  
18 Engineer at Google's Mountain View office from approximately May 2010 to approximately  
19 July 2014.

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

25 10. Plaintiff Kelli Wisuri is a woman who was employed by Google as a Sales  
26 Communications Specialist and Google Brand Evangelist, Executive Communications Program,  
27 at Google's Mountain View office from approximately October 2012 to approximately January  
28 2015.

1           11. On information and belief, Google paid Plaintiffs Ellis, Pease, and Wisuri less  
2 than men for substantially equal or similar work, including, but not limited to, assigning and  
3 keeping Plaintiffs in lower compensation levels than similarly qualified men performing  
4 substantially similar work and assigning and keeping Plaintiffs in job ladders and levels that had  
5 lower compensation ceilings than the job ladders and levels of similarly qualified men  
6 performing substantially similar work.

7           12. 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  
12 California.

### FACTUAL ALLEGATIONS

13  
14           13. In or around September 2015, the United States Department of Labor's Office of  
15 Federal Contract Compliance Programs ("OFCCP") initiated a compliance review of Google's  
16 Mountain View headquarters. OFCCP performed a statistical regression analysis of the  
17 compensation data for all approximately 21,000 employees at Google's Mountain View office  
18 for the year 2015. That analysis "found systemic compensation disparities against women pretty  
19 much across the entire workforce."<sup>1</sup> OFCCP's analysis showed six to seven standard deviations  
20 between pay for men and women in nearly every job classification in 2015.<sup>2</sup> Two standard  
21 deviations is considered statistically significant; six or seven standard deviations means there is a  
22 one in 100 million chance that the disparity is occurring randomly or by chance.

23           14. Throughout the Class Period and throughout California, Google has paid women  
24 less than men for substantially equal or similar work, when viewed as a composite of skill, effort,  
25 and responsibility, and performed under similar working conditions.  
26

27 <sup>1</sup> *In re OFCCP v. Google, Inc.*, Dep't of Labor, ALJ Case No. 2017-OFC-08004 (April 7, 2017  
28 hearing) at 48 (testimony by OFCCP Regional Director Janette Wipper).

<sup>2</sup> "Google Deliberately Confuses Its Employees, Fed Says," *Wired*, July 25, 2017 (quoting Janet Herold, Regional Solicitor for OFCCP).

1           15.     Throughout the Class Period, Google’s compensation, assignment, and promotion  
2 policies and practices have been and continue to be centrally determined and uniformly applied  
3 to all of Google’s employees throughout its California office locations.

4           16.     Throughout the Class Period, Google has maintained and continues to maintain a  
5 centrally determined and uniform set of policies and/or practices for determining employees’  
6 compensation throughout California, including centralized policies and/or practices for setting  
7 employees’ initial pay and centralized policies and/or practices for giving employees pay raises,  
8 bonuses, and company equity. For example, Google’s offices throughout California use a  
9 common organizational structure, organizing employees by job levels and ladders. Google’s  
10 centralized pay structure establishes corporate-imposed compensation ranges based on  
11 employees’ job ladder and level. These compensation ranges are set on a company-wide basis  
12 and apply across all of Google’s California offices.

13           17.     Throughout the Class Period and throughout California, Google has maintained  
14 and continues to maintain a centrally determined and uniformly applied policy and/or practice of  
15 paying its female employees less than male employees for substantially equal or similar work,  
16 when viewed as a composite of skill, effort, and responsibility, and performed under similar  
17 working conditions.

18           18.     Under Google’s organizational structure, higher job levels receive better  
19 compensation than lower levels, including higher salaries and opportunities for bonuses, raises,  
20 and company equity. “Technical” job ladders have more generous salary bands and  
21 compensation than “non-technical” job ladders, irrespective of the job duties performed. In  
22 addition, certain jobs and job ladders receive higher compensation and greater advancement  
23 opportunities, even in comparison to jobs and job ladders that, when viewed as a composite of  
24 skill, effort, and responsibility, require substantially similar work.

25           19.     Throughout the Class Period and throughout California, Google has channeled  
26 and segregated, and continues to channel and segregate, women on the basis of their sex into  
27 lower compensation levels and into less-compensated and less-favorable job ladders and levels  
28 than men with equal or lesser qualifications and/or men performing substantially similar work.



1 Google has had and maintains an ongoing and continuous policy and/or practice of paying  
2 women less than men with similar qualifications and duties and of promoting men more  
3 frequently and to higher-paying job ladders and levels than women with similar qualifications  
4 and duties.

5 20. Google performs internal pay equity analyses on an annual basis. Google is also  
6 required to maintain records of the wage rates, job classifications, and other terms and conditions  
7 of employment of all of its employees throughout California. Google therefore knew or should  
8 have known that it paid female employees less than it paid their male counterparts for  
9 performing substantially equal or similar work, yet Google took no steps at any time during the  
10 Class Period to pay women equally to men as required by the Labor Code, §1197.5 *et seq.*

11 **CLASS ACTION ALLEGATIONS**

12 21. Plaintiffs bring their first through fourth causes of action on behalf of themselves  
13 and on behalf of the following proposed class ("Class"):

14 All women employed by Google in California at any time during the time period  
15 beginning four years prior to the filing of this Complaint through the date of trial in  
16 this action.

17 22. This action is appropriately suited for a class action pursuant to Code of Civil  
18 Procedure 382 because there exists an ascertainable and sufficiently numerous Class, a well-  
19 defined community of interest, and substantial benefits from certification that render proceeding  
20 as a class superior to the alternatives.

21 23. Numerosity and Ascertainability. The size of the Class makes a class action both  
22 necessary and efficient. On information and belief, the proposed Class includes thousands of  
23 current and former female Google employees located across California. Members of the Class  
24 are ascertainable through Google's records, but are so numerous that joinder of all individual  
25 Class members would be impractical.

26 24. Predominant Common Questions of Law and Fact. Common questions of law  
27 and fact affecting the rights of all Class members predominate over individualized issues. These  
28 common questions include, but are not limited to: (a) whether Google has a systemic policy  
and/or practice of paying its female employees at wage rates lower than those paid to its male

1 employees performing substantially equal or similar work under similar conditions; (b) whether  
2 Google's systemic policy and/or practice of paying its female employees at wage rates lower  
3 than those paid to their male counterparts violates the California Equal Pay Act, as amended,  
4 Labor Code §1197.5 *et seq.*; (c) whether Google has a systemic policy and/or practice of  
5 assigning and maintaining women in lower-paid job levels or job ladders than men; and (d)  
6 whether Google's systemic policy and/or practice of paying its female employees at wage rates  
7 lower than those paid to their male counterparts was willful.

8       25.    Typicality: Plaintiffs' claims are typical of the claims of the Class as a whole  
9 because Plaintiffs are women who were employed by Google in California during the Class  
10 Period and were paid less than male employees for substantially equal or similar work. Upon  
11 information and belief, Google has applied uniform wage rate, promotion, and level and job  
12 ladder policies and practices to its employees throughout California at all times throughout the  
13 Class Period.

14       26.    Adequacy of Representation. Plaintiffs will fairly and adequately represent the  
15 interests of the Class because their individual interests are consistent with, and not antagonistic  
16 to, the interests of the Class, and because Plaintiffs have selected counsel who have the requisite  
17 resources and ability to prosecute this case as a class action and are experienced labor and  
18 employment attorneys who have successfully litigated other cases involving similar issues,  
19 including in class actions.

20       27.    Superiority of Class Mechanism. Class certification is appropriate because  
21 common questions of law and fact predominate over any questions affecting only individual  
22 Class Members. Google's liability in this case is based on uniform company policies and  
23 procedures. The compensation owed to each individual Class Member is small in relation to the  
24 expense and burden of individual litigation to recover that compensation. The prosecution of  
25 separate actions against Google by individual Class Members could create a risk of inconsistent  
26 or varying adjudications which could establish incompatible standards of conduct for Google. A  
27 class action is superior to other available methods for the fair and efficient adjudication of the  
28 controversy set forth herein.

1 ALLEGATIONS OF NAMED PLAINTIFFS

2 Plaintiff Kelly Ellis

3 28. Plaintiff Ellis was hired by Google in 2010 as a frontend Software Engineer on  
4 the Google Photos team. During the hiring process, Google asked Ms. Ellis about her prior  
5 salary. Google then offered Ms. Ellis the same base salary as she received at her prior job.

6 29. Ms. Ellis graduated from the University of Virginia in 2006 with a bachelor's  
7 degree in applied mathematics and a minor in computer science. At the time of her hiring, she  
8 had four years' experience working in backend software engineering. Google, however, placed  
9 her into Level 3 on the Software Engineering ladder. Level 3 is the level to which Google  
10 typically assigns new college graduates.

11 30. Within a few weeks of hiring Ms. Ellis, Google hired a male software engineer  
12 onto Ms. Ellis's team. Although that male engineer, like Ms. Ellis, had graduated in 2006,  
13 Google placed him into the higher-paying Level 4 on the Software Engineering ladder. Google  
14 also placed and promoted other male software engineers with qualifications equal to or less than  
15 Ms. Ellis's qualifications into Level 4 and higher on Ms. Ellis's team and on other similar  
16 software engineering teams.

17 31. Level 4 Software Engineers receive substantially higher salary and opportunities  
18 for bonuses, raises, and equity than Level 3 Software Engineers.

19 32. Ms. Ellis received excellent performance reviews. Senior software engineers that  
20 she worked with quickly recognized that she had been under-levelled, and suggested she apply  
21 for a promotion consistent with her skill and experience. But the first time Ms. Ellis applied for  
22 a promotion, Google denied her application. Although Google acknowledged her excellent  
23 performance, it refused to pay her at the same rate as similar men on the basis that she had not  
24 been at the company long enough to merit a promotion. Ms. Ellis eventually obtained the  
25 higher-paying Level 4 designation that was handed to her male counterparts on their first day on  
26 the job—but by that time, her male counterparts were on their way to even higher levels and  
27 compensation for similar work, ensuring that she could never catch up on the gender pay gap.  
28



1           33.     There is a false and gendered perception at Google that backend software  
2 engineering is more technically rigorous, and therefore more prestigious, than frontend software  
3 engineering. Google pays backend engineers more than frontend and fasttracks them for  
4 promotion. On the teams Ms. Ellis worked with and observed at Google, almost all backend  
5 software engineers were men. Almost all female software engineers, however, were frontend  
6 engineers. The skills required to perform these jobs are equal or substantially similar.

7           34.     Google assigned male engineers that joined Ms. Ellis's Google Photos team at or  
8 around the same time as Ms. Ellis to backend engineering jobs. Despite Ms. Ellis's prior  
9 experience in backend engineering, and her qualifications, ability, and desire to work in backend  
10 engineering, Google assigned her to an occupationally-segregated frontend engineering role  
11 upon hiring her. Although Ms. Ellis was eventually assigned to backend engineering work, on  
12 information and belief, for the entire time that Ms. Ellis worked at Google, she was paid less than  
13 men for substantially equal or similar work performed under similar working conditions, when  
14 viewed as a composite of skill, effort, and responsibility.

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

17           36.     On information and belief, for the entire time that Ms. Ellis worked at Google, she  
18 was paid less than men for substantially equal or similar work performed under similar working  
19 conditions, when viewed as a composite of skill, effort, and responsibility.

20     **Plaintiff Holly Pease**

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

25           38.     Over the next several years, Ms. Pease managed engineering teams that developed  
26 software applications, including data warehouses, services, and data analytics, for Google's  
27 internal infrastructure. As a senior manager, she eventually managed a total of about 50 software  
28

1 engineers and analysts across multiple teams. During that time, she received excellent  
2 performance reviews for her work.

3 39. Most of the employees Ms. Pease managed were on “technical” job ladders,  
4 including the Software Engineering ladder. The one other senior manager in her group was a  
5 man, and he was also on a “technical” ladder. Yet, despite Ms. Pease’s many years of  
6 engineering experience, and her many years of managing software engineers on technical  
7 software development projects within the company, Google placed and kept her in the “non-  
8 technical” Business Systems ladder, with lower compensation and opportunities for upward  
9 mobility.

10 40. Compensation, including salary, bonuses, pay raises, and company equity, is  
11 significantly greater in the “technical” ladders, such as Software Engineering, than in the “non-  
12 technical” Business Systems ladder.

13 41. Around 2013, Google reorganized its ladders to transition engineers from the  
14 Business Systems ladder to “technical” ladders. Ms. Pease coached those of her employees who  
15 were still on the “non-technical” ladder on how to pass the technical interviews necessary to  
16 convert to the “technical” ladder. Almost all of these employees were re-assigned to the higher-  
17 paying Software Engineering ladder, including a male manager one level below her whom she  
18 personally coached, and who, despite performing poorly on a technical interview, was assigned  
19 to the Software Engineering ladder because he managed software engineers. The transitioned  
20 employees’ job duties did not change after their re-assignment to a higher-paying “technical”  
21 ladder.

22 42. Google, however, denied Ms. Pease a fair opportunity to be paid at the same rate  
23 as similar employees on the “technical” ladder. Ms. Pease’s two interviewers, both men, did not  
24 ask her any technical questions, and one interviewer did not even bother to take notes of the  
25 meeting with her. Google ultimately denied Ms. Pease re-assignment to the higher-paying  
26 “technical” ladder on the pretense that she lacked technical ability, even though she had decades  
27 of technical experience and even though she—like the male manager she coached into a similar  
28 re-assignment—managed software engineers.

1           43.     While Ms. Pease was on medical leave, Google transferred the employees she  
2 managed to another group. When she returned from medical leave, the only position made  
3 available to her was a non-engineering position in physical security. Ms. Pease received  
4 excellent performance reviews in her new position. Nonetheless, due to the lack of technical and  
5 engineering opportunities available to her and other women at Google, the denial of  
6 compensation commensurate with her skills relative to similar men, and the stalling out of her  
7 career at the company, Ms. Pease resigned in February 2016.

8           44.     On information and belief, for the entire time that Ms. Pease worked at Google,  
9 she was paid less than men for substantially equal or similar work performed under similar  
10 working conditions, when viewed as a composite of skill, effort, and responsibility.

11 **Plaintiff Kelli Wisuri**

12           45.     Plaintiff Wisuri joined Google sales in October 2012 when her company was  
13 acquired by Google. Ms. Wisuri graduated from the University of California–Berkeley in 2007  
14 with a bachelor’s degree in philosophy. At the time of her hiring, she had two-and-a-half years’  
15 experience working as a salesperson. Google, however, placed her into Level 2. Upon  
16 information and belief, Level 2 is the lowest level available to permanent, full-time employees.  
17 Upon information and belief, Google placed and places male employees with similar sales  
18 qualifications and experience and/or doing substantially equal or similar work into Level 3 or  
19 higher.

20           46.     Despite her sales role, Google did not place Ms. Wisuri on the Sales ladder.  
21 Rather, upon information and belief, Google placed Ms. Wisuri on the Sales Enablement ladder.  
22 Unlike the Sales ladder, which is paid on commission, the Sales Enablement ladder is  
23 compensated by salary. As a result, Sales Enablement jobs have considerably less compensation  
24 potential than Sales jobs. Almost all of the employees on the Sales teams Ms. Wisuri worked  
25 with were men. About 50% of the employees she encountered with Sales Enablement jobs,  
26 however, were women.

27           47.     Ms. Wisuri also worked as a Google Brand Evangelist in the Executive  
28 Communications Program. Her job duties included preparing and presenting sales pitches to the

1 executive teams of clients with more than \$10 million in brand marketing sales to Google. Her  
2 role was a dedicated part of Google's "sales funnel," and she worked with Sales teams both  
3 before and after the pitches. During her time at Google, she was responsible for bringing in  
4 significant new revenue to Google. But although she was performing work that was  
5 substantially equal or similar to that performed by her male counterparts on the Sales team, she  
6 remained on the Sales Enablement ladder, which is less compensated and, upon information and  
7 belief, provides fewer opportunities for career advancement into higher-paying jobs.

8 48. On information and belief, for the entire time that Ms. Wisuri worked at Google,  
9 she was paid less than men for substantially equal or similar work performed under similar  
10 working conditions, when viewed as a composite of skill, effort, and responsibility.

11 49. Due to the lack of opportunities for advancement for women at Google, Ms.  
12 Wisuri resigned from Google in January 2015.

13 **FIRST CAUSE OF ACTION**

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

16 **(Brought by Plaintiffs Holly Pease and Kelli Wisuri on Behalf of Themselves and the  
17 Plaintiff Class)**

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

20 51. Google has discriminated and continues to discriminate against Plaintiffs and all  
21 Class members in violation of California Labor Code §1197.5 *et seq.* by paying its female  
22 employees at wage rates less than the wage rates paid to its male employees for substantially  
23 equal or similar work, when viewed as a composite of skill, effort, and responsibility, and  
24 performed under similar working conditions, throughout the Class Period.

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

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

1 54. As a result of Google's ongoing conduct, violation of California Labor Code  
2 §1197.5, and/or willful discrimination, Plaintiffs Pease and Wisuri and Class members have  
3 suffered and will continue to suffer harm, including but not limited to lost earnings, lost benefits,  
4 and other financial loss, as well as non-economic damages.

5 55. Plaintiffs Pease and Wisuri and Class members are therefore entitled to all legal  
6 and equitable remedies available under law, including wages, interest, and liquidated damages.

### 7 **SECOND CAUSE OF ACTION**

#### 8 **Failure to Pay All Wages Due to Discharged and Quitting Employees**

#### 9 **Cal. Labor Code §§201-203, 1194.5**

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

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

13 57. Pursuant to California Labor Code §§201, 202, and 203, Google is required to pay  
14 all earned and unpaid wages to an employee who is discharged or quits. California Labor Code  
15 §201 mandates that if an employer discharges an employee, the employee's wages accrued and  
16 unpaid at the time of discharge are due and payable immediately. California Labor Code §202  
17 mandates that if an employee quits, the employee's wages accrued and unpaid at the time of  
18 quitting are due and payable no later than 72 hours after the employee quits his or her  
19 employment, unless the employee provided at least 72 hours of notice of his or her intention to  
20 quit, in which case the wages are due immediately at the time of quitting.

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

25 59. By intentionally and deliberately paying Plaintiffs Pease and Wisuri and Class  
26 members lower wages than wages paid to their male counterparts for performing substantially  
27 similar work, Google has willfully failed and continues to fail to pay all accrued wages due to  
28 Plaintiffs Pease and Wisuri and Class members who have been discharged or who have quit, in  
violation of Labor Code §§201 and 202, respectively.

1           60.     As a result of Google’s unlawful actions and omissions, Plaintiffs Pease and  
2 Wisuri and former employee Class members are entitled to all available statutory penalties,  
3 including the waiting time penalties provided in California Labor Code §203, together with  
4 interest thereon, as well as other available remedies.

5   **THIRD CAUSE OF ACTION**

6   **Unlawful and Unfair Business Practices**

7   **Cal. Bus. & Prof. Code §17200 *et seq.***

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

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

10          62.     Google’s policies and/or practices of paying female employees less than male  
11 employees for substantially similar work performed, of discriminating against female employees  
12 in compensation and the terms, conditions, and privileges of employment on the basis of their  
13 sex, and of failing to timely pay female employees who are discharged or who quit all wages  
14 earned and due constitute business practices because Google’s acts and omissions as alleged  
15 herein have been done repeatedly over a significant period of time, and in a systematic manner,  
16 to the detriment of Plaintiffs and Class Members.

17          63.     Google’s acts and omissions, as alleged herein, violate the California Equal Pay  
18 Act, as amended, Labor Code §1197.5 *et seq.* the California Fair Employment and Housing Act,  
19 Government Code § 12940, and California Labor Code §§201, 202, and 203, and therefore  
20 constitute unlawful business practices prohibited by Business & Professions Code §17200 *et seq.*

21          64.     Google’s acts and omissions, as alleged herein, constitute unfair business  
22 practices prohibited by Business & Professions Code §17200 *et seq.* Google’s business practices  
23 of paying women less than men for substantially similar work, of assigning and keeping women  
24 in lower levels and less highly compensated job ladders than similarly-qualified men, and of  
25 failing to promote women cause harm to Plaintiffs and Class members that outweighs any reason  
26 Google may have for doing so. Google’s business practices as alleged herein are also immoral,  
27 unethical, oppressive, unscrupulous, and offensive to the established public policies of ensuring  
28 women and men are paid equally for performing substantially similar work, as reflected in both



1 the California Equal Pay Act, Cal. Labor Code §1197.5 *et seq.*, and the federal Equal Pay Act, 29  
2 U.S.C. §206(d) *et seq.*, and ensuring women are not discriminated against in the workplace, as  
3 reflected in both the California Fair Employment and Housing Act, Cal. Gov't Code §12940 *et*  
4 *seq.*, and Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.*

5 65. As a result of its unlawful and/or unfair business practices, Google has reaped and  
6 continues to reap unfair and illegal profits at the expense of Plaintiffs and Class members.  
7 Accordingly, Google should be disgorged of its illegal profits, and Plaintiffs and Class members  
8 are entitled to restitution with interest of such ill-gotten profits in an amount according to proof  
9 at the time of trial.

10 66. Google's unlawful and/or unfair business practices entitle Plaintiffs and Class  
11 members to preliminary and permanent injunctive relief and other equitable relief available  
12 under law.

#### 13 **FOURTH CAUSE OF ACTION**

##### 14 **Declaratory Judgment**

##### 15 **Cal. C.C.P. § 1060 *et seq.***

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

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

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

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

#### 27 **PRAYER FOR RELIEF**

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

1. For an order certifying this action as a class action;

- 1           2.       For an order appointing Plaintiffs Ellis, Pease, and Wisuri as Class  
2 representatives, and appointing Plaintiffs' counsel as Class counsel;
- 3           3.       For all wages due pursuant to California Labor Code §1197.5(h) in an amount to  
4 be ascertained at trial;
- 5           4.       For liquidated damages pursuant to California Labor Code §1197.5(h);
- 6           5.       For prejudgment interest on unpaid wages at a rate of 10% per annum pursuant to  
7 California Labor Code §1197.5(h) and California Civil Code §§3287-3288, and/or any other  
8 applicable provision providing for prejudgment interest;
- 9           6.       For statutory and civil penalties according to proof, including but not limited to all  
10 waiting time penalties authorized by California Labor Code §203;
- 11          7.       For declaratory relief;
- 12          8.       For restitution of all monies due to Plaintiffs and Class Members, as well as  
13 disgorgement of Google's profits from its unlawful and/or unfair business practices;
- 14          9.       For preliminary and permanent injunctive relief enjoining Google from violating  
15 California Labor Code §1197.5 *et seq.* by paying its female employees lower wage rates than  
16 those paid to their male counterparts for substantially similar work; and from engaging in the  
17 unfair and unlawful business practices complained of herein;
- 18          10.      For reasonable attorneys' fees and costs pursuant to California Labor Code  
19 §1197.5(h), California Code of Civil Procedure §1021.5, and/or any other applicable provision  
20 providing for attorneys' fees and costs; and
- 21          11.      For such further relief that the Court may deem just and proper.

22  
23 Dated: September 14, 2017

Respectfully submitted,

By: 

James M. Finberg

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

KELLY M. DERMODY  
ANNE B. SHAVER

MICHELLE LAMY  
Lieff Cabraser Heimann & Bernstein LLP

*Attorneys for Plaintiffs and the Proposed  
Class*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

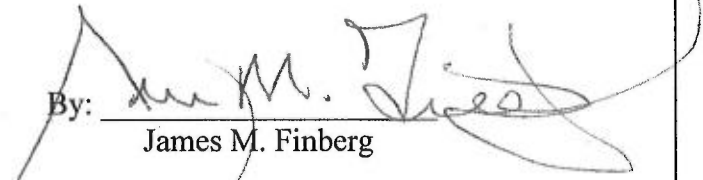
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**DEMAND FOR JURY TRIAL**

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

Respectfully submitted,

Dated: September 14, 2017

By:   
James M. Finberg

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

KELLY M. DERMODY  
ANNE B. SHAVER  
MICHELLE LAMY  
Lief Cabraser Heimann & Bernstein LLP

*Attorneys for Plaintiffs and the Proposed Class*