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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.  
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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           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