

1 David Sanford (DC SBN 457933 *Pro Hac Vice to be filed*)
dsanford@sanfordheisler.com
2 SANFORD HEISLER SHARP, LLP
700 Pennsylvania Avenue SE, Suite 300
3 Washington, DC 20003
Telephone: (202) 499-5200
4 Facsimile: (202) 499-5199

5 Danielle Fuschetti (CA SBN 294064)
dfuschetti@sanfordheisler.com
6 SANFORD HEISLER SHARP, LLP
111 Sutter Street, Suite 975
7 San Francisco, CA 94104
Telephone: (415) 795 2020
8 Facsimile: (415) 795 2021

9 Felicia Medina (CA SBN 255804)
fmedina@medinaorthwein.com
10 MEDINA ORTHWEIN, LLP
1322 Webster St., Suite 200
11 Oakland, CA 94612
Telephone: (510) 823-2040
12 Facsimile: (510) 217-3580

13 *Attorneys for the Plaintiff and the Class*

14 **UNITED STATES DISTRICT COURT**
15 **CENTRAL DISTRICT OF CALIFORNIA**
16

17
18
19 YUNGHUI CHEN, on behalf of herself
and all others similarly situated,

20 **PLAINTIFFS,**

21 vs.

22 WESTERN DIGITAL
CORPORATION AND WESTERN
23 DIGITAL TECHNOLOGIES, INC.,

24 **DEFENDANTS.**
25
26
27
28

Case No.: _____

**CLASS AND COLLECTIVE
ACTION COMPLAINT**

JURY TRIAL DEMANDED

1 Plaintiff Yunhui Chen (“Plaintiff” or “Class Representative”), by and
2 through her attorneys at Sanford Heisler Sharp, LLP and Medina Orthwein LLP,
3 brings this action in her individual capacity, and on behalf of the Collective
4 Action and Rule 23 Classes of women defined below against Western Digital
5 Corporation and Western Digital Technologies, Inc. to redress gender
6 discrimination in employment. Plaintiff alleges upon knowledge as to herself and
7 otherwise upon information and belief as follows:

8 **I. INTRODUCTION**

9 1. Defendant Western Digital Corporation (“WDC”) is a data storage
10 company and one of the largest hard disk manufacturers in the world. Western
11 Digital Technologies, Inc., Western Digital (Fremont), LLC, and Western Digital
12 Media, LLC are wholly-owned U.S. subsidiaries of Western Digital Corporation
13 Inc. Western Digital Corporation, Western Digital Technologies, Inc, Western
14 Digital (Fremont), LLC, and Western Digital Media, LLC are collectively referred
15 to as “Defendants.” Western Digital Technologies Inc., along with its subsidiaries,
16 Western Digital (Fremont), LLC, and Western Digital Media, LLC, operate many
17 of WDC’s U.S. engineering, research, and development functions and offer many
18 of its products and services.

19 2. Plaintiff is a former, long-time female employee of Defendants. She
20 brings this action on an individual, class, and collective basis alleging violations of
21 Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e *et seq.* (“Title VII”),
22 the Equal Pay Act, 29 U.S.C. §§ 206 *et seq.* (“EPA”), the California Fair
23 Employment and Housing Act, Cal. Gov. Code § 12940 *et seq.* (“FEHA”), the
24 California Equal Pay Act, Cal. Lab. Code § 1197.5 (“CEPA”), California Business
25 and Professions Code § 17200, and the California Private Attorneys General Act
26 of 2004, Cal. Lab. Code § 2698 *et seq.* (“PAGA”), seeking redress and
27 programmatic change for female employees who have worked or will work for
28 Defendants.

1 **II. THE PARTIES**

2 **Plaintiff Yunhui Chen**

3 3. Plaintiff is a successful female auditor who lives in Irvine, California.
4 She joined Western Digital Technologies, Inc. as a Senior Internal Auditor in the
5 Internal Audit Department in 2005.

6 4. In 2008, Plaintiff was promoted to Internal Audit Manager. She
7 remained in that position until her employment ended in September 2016.

8 **Defendants**

9 5. Western Digital Corporation is a data storage company and one of the
10 largest hard disk manufacturers in the world. Its corporate headquarters are in San
11 Jose, California. Western Digital Technologies, Inc., is a wholly-owned subsidiary
12 of WDC. Western Digital (Fremont), LLC and Western Digital Media, LLC are
13 wholly-owned subsidiaries of Western Digital Technologies, Inc.

14 6. Defendants employ over 5,000 people in the United States, with
15 approximately 1,400 in Irvine, California, which was the Company's Headquarters
16 before February 2017. Defendants reap \$19 billion per year in revenue as of June
17 2017.

18 7. Upon information and belief, Defendants' headquarters in the State of
19 California maintain control, oversight, and direction over the operation of their
20 facilities, including their employment practices.

21 8. Plaintiff was employed by Western Digital Technologies, Inc. during
22 all relevant times.

23 **III. JURISDICTION AND VENUE**

24 9. The Central District of California has personal jurisdiction over
25 Defendants because they maintain offices in this District, they do business in
26 California and in this district, and many of the acts complained of and giving rise
27 to the claims alleged herein occurred in California and in this district.

28 10. This Court has original subject matter jurisdiction over the claims for

1 violations of Title VII, and the EPA pursuant to 28 U.S.C. § 1331 and 1343 and 42
2 U.S.C. § 2000e-5(f)(3). These claims arise under the laws of the United States and
3 are brought to recover damages for deprivation of equal rights.

4 11. This Court has supplemental jurisdiction over Plaintiff's state law
5 claims, including claims under the FEHA, the CEPA, California Business and
6 Professions Code §17200 *et seq.*, and the PAGA, pursuant to 28 U.S.C. Section
7 1367. These claims constitute the same case and controversy raised in the claims
8 under federal law.

9 12. Venue is proper pursuant to 28 U.S.C. § 1391(b) and 42 U.S.C. §
10 2000e-5(f)(3). Defendants conduct substantial business in Irvine, California,
11 which was also the location of their U.S. headquarters throughout the alleged class
12 period. A substantial part of the events and omissions giving rise to the claims
13 alleged herein occurred in this district, the majority of the unlawful employment
14 practices were committed here, and the employment records relevant to those
15 practices are maintained and administered here.

16 13. Plaintiff has standing to bring this suit and has exhausted her
17 administrative remedies and complied with all statutory prerequisites to maintain
18 Title VII and FEHA claims. Plaintiff dual filed individual and class charges of
19 discrimination with the California Department of Fair Employment and Housing
20 ("DFEH") and the U.S. Equal Employment Opportunity Commission ("EEOC")
21 on October 7, 2016.

22 14. On November 14, 2016, Plaintiff filed a notice with the Labor &
23 Workforce Development Agency ("LWDA") asserting claims of pay
24 discrimination in violation of the California Equal Pay Act and caused this notice
25 to be served on Western Digital Corporation and its legal representatives. More
26 than 60 days have elapsed since filing of this notice, and the LWDA has not notified
27 the Parties that it intends to investigate these claims.

28 15. On January 30, 2017, the Parties entered into a separate tolling

1 agreement.

2 **IV. FACTUAL ALLEGATIONS**

3 **A. DEFENDANTS' INEQUITABLE PAY, PROMOTION, AND**
4 **PLACEMENT PRACTICES**

5 16. Men dominate Defendants' leadership and management. Upon
6 information and belief, the overrepresentation of men in Defendants' leadership is
7 both the source and product of continuing systemic discrimination against female
8 employees.

9 17. Defendants discriminate against women by permitting their
10 predominantly male leadership to overtly favor men in pay, promotions, and other
11 opportunities regardless of their qualifications.

12 18. Defendants maintain uniform policies and practices with respect to
13 pay, promotions, and job placement. Defendants also cultivate and promote a
14 common, male-dominated corporate culture. During Plaintiff's employment and
15 for a substantial portion of the Class Period, these policies, practices, and values
16 originated in Defendants' headquarters in Irvine, California and were disseminated
17 throughout their branches using common media and methods. These common
18 compensation, promotions, and placement policies and practices have resulted in
19 and perpetuated longstanding, companywide gender discrimination and sex-based
20 disparities with respect to pay, promotions, and job placement.

21 19. In recent years, Defendants have used several leveling structures that
22 have produced unjustified disparities in compensation, promotions, and job
23 placement between male and female employees. Rather than provide meaningful,
24 equitable, and objective criteria, these leveling systems cause, perpetuate, and mask
25 pervasive disparities in the working conditions of male and female employees.

26 20. Upon information and belief, Defendants rely on a tap-on-the-
27 shoulder promotion process that disparately impacts women and encourages the
28 predominantly male management to engage in a pattern of disparate treatment.

1 Rather than posting open positions, managers evaluate which, if any, of their
2 reporting employees should be placed into them.

3 21. The placement process also calls for managers to consider tainted
4 variables, such as management's personal relationship with and exposure to the
5 candidate and the candidate's track record of career enhancing opportunities.
6 These variables often favor men, in part because of the over-representation of men
7 in Defendants' senior ranks.

8 22. Defendants' policies for determining raises and incentive
9 compensation likewise invite discrimination. Upon information and belief
10 Defendants have used a "Performance Based Salary Adjustment" policy that calls
11 for managers to rate employees according to six vague categories of performance
12 ratings: New Hire, Significantly Below Target, Below Target, On Target, Above
13 Target, and Significantly Above Target. These vague criteria invite managers to
14 rely on their own explicit and implicit biases when determining raises and incentive
15 compensation, leading to gender disparities as a result.

16 23. Upon information and belief, Defendants also utilize a system of
17 forced stacked rankings to make incentive compensation decisions. Defendants
18 encourage managers to distribute rankings that determine compensation across a
19 normal curve, a practice called force-stacked ranking. They also instruct managers
20 that there are always some underperforming employees, leaving managers little
21 choice but to find some employees to rate as underperforming, even if none exist.
22 Moreover, managers are instructed to consider tainted variables such as whether
23 the employee is meeting development "goals and values" and whether he or she is
24 a "role model." These vague and subjective criteria encourage reliance on implicit
25 and explicit biases as managers attempt to distinguish between male and female
26 employees performing equally.

27 24. Upon information and belief, Defendants' and their senior executives
28 and HR are aware of and condone these inequitable pay, promotion, titling, job

1 placement and other practices, but have taken no steps to remedy the root causes of
2 the disparity. Defendants are aware of the demographics of their workforce,
3 including the underrepresentation of women in different levels and functions.

4 **B. PLAINTIFF YUNGHUI CHEN**

5 25. Yunghui Chen (“Ms. Chen,” “Plaintiff,” or “Class Representative”)
6 worked for Western Digital Technologies, Inc. from 2005 through 2016.

7 26. Plaintiff holds a dual Bachelors of Arts in Accounting and Banking &
8 Finance from Tamkang University in Taiwan and a Masters of Science in
9 Accountancy from San Diego State University. Plaintiff has been a certified
10 Internal Auditor since 2007 and a certified Public Accountant since 2011.

11 27. Ms. Chen joined Western Digital Technologies, Inc. as a Senior
12 Internal Auditor in the Internal Audit Department in 2005 after gaining relevant
13 experience as an Accountant, Staff Auditor, and Senior Accountant. In 2008, she
14 was promoted to Internal Audit Manager responsible for Channel Compliance.

15 28. In January 2013, Plaintiff was asked to transition from the Internal
16 Audit Manager responsible for Channel Compliance to the Internal Audit Manager
17 responsible for Operational Audit so that she could take on many of the
18 responsibilities that the former Senior Internal Audit Manager had after he
19 transitioned to a higher title. Plaintiff was chosen because of her breadth of
20 experience working on Operational Audit projects while simultaneously
21 completing her assignments in Channel Compliance within the Internal Audit
22 Department.

23 29. From January 2013 to the conclusion of her employment in September
24 2016, Plaintiff worked on the Operational Audit projects in the Internal Audit
25 Department. Although she remained an Internal Audit Manager, Ms. Chen was
26 performing many of the tasks of as Senior Manager. For example, Plaintiff
27 independently performed various large-scale audits such as HR & payroll audits,
28 Corporate Treasury review, Financial Close process review, Procurement function

1 review, Marketing Development Fund review, Marketing Incentive Program
2 review, Expense reviews for the Chairman and Board of Directors, and Anti-
3 bribery and Corruption reviews. All the while, Ms. Chen supervised senior auditors
4 and an assistant manager, worked directly with employees from entry level
5 positions to Vice Presidents, and reported directly to Defendants' senior
6 management.

7 30. Defendants recognized Ms. Chen's breadth of experience in Channel
8 Compliance and Operational Audit Department by tasking her with increased
9 responsibilities in both areas, but, nonetheless, paid her \$30,000 less than her male
10 counterparts performing equal and substantially similar work and refused to
11 promote her to Senior Manager, despite promoting similarly situated, less-qualified
12 men.

13 31. For example, in or around May of 2012, a male Internal Audit Senior
14 Manager responsible for Operational Audit, was promoted to Director of Internal
15 Audit. In January 2013, Ms. Chen was asked to transition from the Internal Audit
16 Manager responsible for Channel Compliance to the Internal Audit Manager
17 responsible for Operational Audit. WDC made this request so that Ms. Chen could
18 take on many of the responsibilities this male Director had as a Senior Internal
19 Audit Manager. Ms. Chen was chosen because of her breadth of experience
20 working on Operational Audit projects while simultaneously completing her
21 assignments in Channel Compliance within the Internal Audit Department. From
22 January 2013 to September 2016, Ms. Chen continued working on Operational
23 Audit projects in the Internal Audit Department. Although Ms. Chen remained an
24 Internal Audit Manager and was not given the title of Senior Manager or a pay
25 increase, she was performing much of the same tasks as a Senior Manager at this
26 time.

27 32. Despite successfully carrying out the job duties of a Senior Manager
28 for years, Ms. Chen was denied a promotion to the role. Instead, Defendants

1 promoted a male employee with similar, if not less, experience. This male
2 employee with similar responsibilities in Channel Compliance at the HGST
3 subsidiary began working in Western Digital Technologies, Inc.'s Internal Audit
4 Department as a Manager for Channel Compliance in 2013. He took over all of Ms.
5 Chen's previous responsibilities and tasks in Channel Compliance as she
6 transitioned her focus to Operational Audit. After working in the Western Digital
7 Technologies, Inc. Internal Audit Department for one year, this male employee was
8 promoted to Senior Manager. Yet Ms. Chen did not receive the Senior Manager
9 title after working for five years as a Manager in the Internal Audit Department and
10 an additional three years in the Operational Audit Department.

11 **V. CLASS ACTION ALLEGATIONS**

12 **A. DEFENDANTS ENGAGED IN A COMMON POLICY, PATTERN, 13 AND PRACTICE OF DISCRIMINATION AGAINST THE 14 NATIONWIDE AND CALIFORNIA CLASSES.**

15 33. Plaintiff re-alleges and incorporates by reference each and every
16 allegation above.

17 34. Defendants subjected female employees to a pattern and practice of
18 systemic unlawful disparate treatment and unlawful disparate impact
19 discrimination comprised of (a) assigning female employees to lower
20 classifications than similarly situated male employees performing the same job
21 duties; and (b) paying female employees less than their male counterparts.

22 35. These problems affecting pay, promotions, and placement are
23 systemic and Company-wide. They stem from the Company's common
24 employment policies, practices, and procedures, including Defendants' job
25 assignment, leveling, banding, and compensation policies, practices, and
26 procedures. Such policies, practices, and procedures are not valid, job-related, or
27 justified by business necessity and all suffer from: a lack of transparency;
28 inadequate quality standards and controls; insufficient implementation metrics; and

1 inadequate opportunities for redress or challenge. As a result, employees are
2 evaluated, compensated, developed, and placed within a system that is
3 insufficiently designed, articulated, explained, or implemented to consistently,
4 reliably, or equitably manage or reward employees.

5 36. These problems affecting pay, promotions, and placement also stem
6 from centralized decision-making by the Company's compact and predominately
7 male senior leadership team, which maintains centralized control over employees'
8 terms and conditions of employment, and is responsible for formulating, reviewing,
9 and approving the acts, policies, and practices that result in the systemic unlawful
10 disparate treatment and unlawful disparate impact disparate impact of female
11 employees in pay, promotions, and placement.

12 **B. CLASS DEFINITIONS**

13 37. Plaintiff seeks to maintain claims on her own behalf and on behalf of
14 Classes of similarly situated female employees.

15 38. Nationwide Sub-Class (Excluding California). "Nationwide Sub-
16 Class" means women directly employed by Western Digital Technologies, Inc.,
17 Western Digital (Fremont), LLC, and/or Western Digital Media, LLC in a Covered
18 Position as regular employees in the United States at any time on or after November
19 1, 2013 (excluding those who became employed by Western Digital Corporation
20 or an affiliated entity as a result of or in connection with an acquisition on or after
21 May 1, 2016), excluding any member of the California Sub-class.

22 39. California Sub-Class. "California Sub-Class" means women directly
23 employed by Western Digital Technologies, Inc., Western Digital (Fremont), LLC,
24 and/or Western Digital Media, LLC in California in a Covered Position at any time
25 on or after November 1, 2012 (excluding those who became employed by Western
26 Digital Corporation or an affiliated entity as a result of or in connection with an
27 acquisition on or after May 1, 2016).
28

1 40. Covered Position. A “Covered Position” means an indirect labor
2 position at the Senior Manager level or below.

3 41. Class Representative and the Classes of Western Digital employees
4 that Plaintiff seeks to represent have been subjected to a systemic pattern and
5 practice of gender discrimination in pay, promotions, and placement as well as
6 disparate impact gender discrimination in pay, promotions, and placement by
7 Defendants.

8 42. Because of the Company’s systemic pattern and practice of gender
9 discrimination in pay, promotions, and placement, Class Representative and the
10 Classes of Western Digital employees that she seeks to represent have been
11 adversely affected and have experienced harm, including the loss of compensation,
12 employment benefits, and opportunities, as well as physical and emotional pain and
13 suffering.

14 43. Class Representative and the Classes of Western Digital employees
15 that she seeks to represent seek to maintain claims on Plaintiff’s own behalf and on
16 behalf of the foregoing Classes of similarly situated female employees. Plaintiff
17 seeks to represent all of the female employees described above. The systemic
18 gender discrimination described in this Complaint has been, and is, continuing in
19 nature.

20 **C. EFFICIENCY OF CLASS PROSECUTION OF COMMON CLAIMS**

21 44. Certification of the foregoing Classes of female employees is the most
22 efficient and economical means of resolving the questions of law and fact that are
23 common to the claims of Class Representative and the respective Classes. Ms.
24 Chen’s individual claims require resolution of the common questions concerning
25 whether Defendants have engaged in a systemic pattern and/or practice of gender
26 discrimination against female employees in pay and promotion and/or whether
27 their facially neutral policies have an adverse effect on the Classes’ pay,
28

1 promotions, and placement. The respective Classes seek remedies to eliminate the
2 adverse effects of such discrimination in pay, promotions, and placement.

3 45. Plaintiff has standing to seek such relief because of the adverse effects
4 that such discrimination has had on her and on similarly-situated female employees
5 generally. Defendants caused their injuries through their discriminatory policies,
6 practices, and procedures, as well as their disparate treatment of employees who
7 are female.

8 46. To gain such relief for herself, as well as for the respective Class
9 members, Plaintiff will first establish the existence of systemic gender
10 discrimination by Defendants as the premise for the relief she seeks.

11 47. Without certifying the aforementioned Classes, the same evidence and
12 issues would be subject to re-litigation in a multitude of individual lawsuits with
13 an attendant risk of inconsistent adjudications and conflicting obligations.
14 Certification of the proposed Classes is the most efficient and judicious means of
15 presenting the evidence and arguments necessary to resolve such questions for the
16 Class Representative, the proposed Classes, and the Defendants.

17 **D. NUMEROSITY AND IMPRACTICABILITY OF JOINDER**

18 48. Each Class that the Class Representative seeks to represent is too
19 numerous to make joinder practicable.

20 49. Upon information and belief, each Class has more than 40 members.

21 **E. COMMON QUESTIONS OF LAW AND FACT**

22 50. The prosecution of the claims of the Class Representative will require
23 the adjudication of numerous questions of law and fact common to her claims and
24 those of the Classes that Plaintiff seeks to represent.

25 51. The common questions of law include: (a) whether Defendants
26 engaged in unlawful, systemic gender discrimination in their compensation,
27 promotion, and job placement policies, practices, and procedures; (b) whether the
28 failure to institute adequate standards, quality controls, implementation metrics, or

1 oversight in compensation, promotion, and job placement policies, practices, and
2 procedures violates Title VII, the FEHA, and the California Equal Pay Act; (c)
3 whether the lack of transparency and of opportunities for redress in those systems
4 violates Title VII, the FEHA, and the California Equal Pay Act; (d) whether the
5 failure of upper management and HR to prevent, investigate, or properly respond
6 to evidence and complaints of discrimination in compensation, promotion, and job
7 placement policies, practices, procedures violates Title VII, the FEHA, and the
8 California Equal Pay Act; (e) whether Defendants are liable for a continuing
9 systemic violation of Title VII, the FEHA, and the California Equal Pay Act; (f) a
10 determination of the proper standards for proving a pattern or practice of
11 discrimination in compensation, promotion, and job placement by Defendants
12 against their female employees under the disparate treatment theory of liability; and
13 (g) a determination of the proper standard for proving that Defendants' facially
14 neutral employment practices had a disparate impact on each Class.

15 52. The common questions of fact include whether Defendants have,
16 through their policies, practices, and procedures: (a) used a system of assignments
17 to jobs, compensation levels, and compensation bands that lacks meaningful or
18 appropriate standards, implementation metrics, quality controls, transparency, and
19 opportunities for redress; (b) through the use of that system of assignment placed
20 female employees in jobs, compensation levels, and compensation bands lower
21 than similarly situated male employees; (c) systemically, intentionally, or
22 knowingly placed female employees in jobs, compensation levels, and
23 compensation bands lower than similarly situated male employees; (d) used a
24 compensation system that lacks meaningful or appropriate standards,
25 implementation metrics, quality controls, transparency, and opportunities for
26 redress; (e) through the use of that compensation system compensated female
27 employees less than similarly situated male employees in salary, bonus, equity
28 grants, and/or other perquisites; (f) systemically, intentionally, or knowingly

1 compensated female employees less than similarly situated male employees; (g)
2 used a system for performance evaluations that lacks meaningful or appropriate
3 standards, implementation metrics, quality controls, transparency, or opportunities
4 for redress; (h) through the use of that performance evaluation system inaccurately,
5 unfairly, or disparately measured, classified, and compared female and male
6 employee performance; (i) used Human Resources systems that lack meaningful or
7 appropriate standards, implementation metrics, quality controls, transparency, or
8 opportunities for redress; (j) through relying upon and using these systems
9 minimized or ignored evidence of gender discrimination in pay, promotions, and
10 placement in the workplace and/or otherwise mishandled the investigation of and
11 response to complaints of discrimination in pay, promotions, and placement
12 brought to the attention of senior management and the Human Resources
13 department; (k) systematically, intentionally, knowingly, or deliberately sowed an
14 indifference to evidence of discrimination in pay, promotions, and placement or
15 otherwise minimized, ignored, or mishandled evidence of or complaints of gender
16 discrimination in pay, promotions, and placement.

17 53. The employment policies, practices, and procedures to which Class
18 Representative and the respective Classes are subjected are set at the Company's
19 corporate level. Each policy applies universally within each Class. These
20 employment policies, practices, and procedures are not unique or limited to any
21 function or business unit; rather, they apply to all function and business units and
22 thus affect Class Representative and the respective Classes in the same ways
23 regardless of the function or business unit in which they work.

24 **F. THE TYPICALITY OF CLAIMS AND RELIEF SOUGHT**

25 54. The Class Representative's claims are typical of the claims of the
26 respective Classes.

27 55. Gender discrimination in pay, promotions, and placement affect the
28 Class Representative and all Class members in the same or similar ways

1 corresponding to their level within the Company. Class Representative and
2 similarly situated female employees were paid less than similarly situated male
3 employees for equal work and were assigned to lower job classifications than
4 similarly situated male employees.

5 56. The relief necessary to remedy the claims of the Class Representative
6 is exactly the same as that necessary to remedy the claims of the Class members in
7 this case.

8 57. Class Representative seeks the following relief for her individual
9 claims and for those of the members of the proposed Classes: (a) a declaratory
10 judgment that Defendants have engaged in systemic gender discrimination against
11 the Classes by (1) assigning female employees to lower job titles and classifications
12 than their male counterparts; (2) paying female employees less than their male
13 counterparts; (b) a permanent injunction against such continuing discriminatory
14 conduct; (c) injunctive relief that effectuates a restructuring of the Company's
15 promotion, training, performance evaluation, leveling, and compensation policies,
16 practices, and procedures; (d) back pay, front pay, and other equitable remedies
17 necessary to make the employees whole from Defendants' discrimination; (e)
18 punitive and nominal damages to prevent and deter Defendants from engaging in
19 similar discriminatory practices in the future; (f) compensatory damages; and (g)
20 attorneys' fees, costs, and expenses.

21 **G. ADEQUACY OF REPRESENTATION**

22 58. The Class Representative's interests are co-extensive with those of the
23 respective Classes that she seeks to represent in this case. The Class Representative
24 seeks to remedy the Company's discriminatory employment policies, practices, and
25 procedures so that female employees will no longer be prevented from receiving
26 equal pay and advancing into higher-paying and higher-ranked positions.

27 59. Class Representative is willing and able to represent the respective
28 Classes fairly and vigorously as she pursues her claims in this action.

1 60. Class Representative has retained counsel who are qualified,
2 experienced, and able to conduct this litigation and to meet the time and fiscal
3 demands required to litigate an employment discrimination class action of this size
4 and complexity. The combined interests, experience, and resources of counsel to
5 litigate competently the Class claims at issue in this case satisfy the adequacy of
6 representation requirement of Federal Rule of Civil Procedure 23(a)(4).

7 **H. REQUIREMENTS OF RULE 23(b)(3)**

8 61. The common issues of fact and law affecting the claims of the Class
9 Representative and proposed Class members, including, but not limited to, the
10 common issues previously identified herein, predominate over any issues affecting
11 only individual claims. These common issues include whether Defendants have
12 engaged in gender discrimination against female employees by (a) assigning
13 female employees to lower job titles, job levels, career tracks, and classifications
14 than their male counterparts; and (b) paying female employees less than their male
15 counterparts.

16 62. A class action is superior to other available means for the fair and
17 efficient adjudication of the claims of the Class Representative and the members of
18 the respective Classes.

19 63. The cost of proving the patterns and practices of discrimination by
20 Defendants makes it impracticable for the Class Representative and members of
21 the respective Classes to prosecute their claims individually.

22 64. By virtue of Defendants' pattern and practice of discrimination, the
23 Class Representative and Class members are eligible for monetary remedies for
24 losses caused by the systemic discrimination, including back pay, front pay,
25 compensatory damages, and nominal and punitive damages.

26 **VI. COLLECTIVE ACTION ALLEGATIONS**

27 65. Defendants have engaged in systemic gender discrimination in pay
28 against their female employees. Defendants have caused, contributed to, and

1 perpetuated gender-based pay disparities through common policies, practices, and
2 procedures, including but not limited to common compensation and performance
3 management policies, and centralized decision-making.

4 66. Plaintiff in this action seeks to be appointed as representative of the
5 Collective Action.

6 67. The Collective Action Representative brings collective claims
7 alleging violations of the Equal Pay Act of 1963 (“EPA”) as a collective action
8 pursuant to 29 U.S.C. § 216(b). Collective Action Representative seeks to
9 represent all similarly situated employees described above who were paid less than
10 male employees for doing similar work. The systemic gender discrimination
11 described in this Complaint has been, and is, continuing in nature.

12 68. Collective Action Plaintiffs. “Collective Action Plaintiffs” means
13 women directly employed by Western Digital Technologies, Inc., Western Digital
14 (Fremont), LLC, and/or Western Digital Media, LLC in a Covered Position in the
15 United States at any time on or after November 1, 2013 (excluding those who
16 became employed by Western Digital Corporation or an affiliated entity as a result
17 of or in connection with an acquisition on or after May 1, 2016).

18 69. Questions of law and fact common to Collective Action
19 Representative and the respective Collective that she seeks to represent include but
20 are not limited to the following:

- 21 a. Whether members of the Collective were subjected to an unlawful
22 common policy that resulted in unequal pay for equal work;
- 23 b. Whether Defendants unlawfully failed and continue to fail to
24 compensate members of the Collective at a level commensurate with
25 similarly situated male employees;
- 26 c. Whether Defendants’ policy, practice, or procedure of failing to
27 compensate members of the Collective at levels commensurate with
28 comparable male employees violates applicable provisions of the EPA;

1 d. Whether Defendants’ failure to compensate members of the Collective
2 at a level commensurate with comparable male employees was willful within
3 the meaning of the EPA.

4 70. Counts for violation of the EPA may be brought and maintained as an
5 “opt-in” collective action pursuant to 29 U.S.C. § 216(b) for all claims asserted by
6 the Collective Action Representative, because her claims are similar to the claims
7 of the Collective Action class that she seeks to represent.

8 71. The Collective Action Representative and the Collective Action class
9 that she seeks to represent (a) are similarly situated and (b) are subjected to
10 Defendants’ common compensation policies, practices, and procedures and
11 centralized decision-making resulting in unequal pay based on sex by failing to
12 compensate members of the Collective Action class at a level commensurate with
13 male employees who perform substantially equal work and/or hold equivalent
14 levels, job titles, and positions.

15 **VII. COUNTS**

16 **COUNT 1**

17 **GENDER DISCRIMINATION – PAY, PROMOTIONS, AND**
18 **PLACEMENT**

19 **(Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.*)**

20 **(On Behalf of Class Representative, in her Individual and Representative**
21 **Capacities, and the Nationwide and California Classes Against All**
22 **Defendants)**

23 72. Plaintiff re-alleges and incorporates by reference each and every
24 allegation contained in the previous paragraphs of this Complaint as if fully set
25 forth herein.

26 73. This Count is brought on behalf of Plaintiff in her individual and
27 representative capacities, and all members of the Nationwide and California
28 Classes.

1 74. Defendants have discriminated against Plaintiff and the Classes in
2 violation of Title VII of the Civil Rights Act, 42 U.S.C. § 2000e, et seq., as amended
3 by the Civil Rights Act of 1991 (“Title VII”), by subjecting them to different
4 treatment on the basis of their gender, including by engaging in intentional
5 disparate treatment, and by maintaining uniform policies and practices that have an
6 adverse, disparate impact on them.

7 75. Defendants have engaged in an intentional, company-wide and
8 systemic policy, pattern, and/or practice of discrimination against Plaintiff and the
9 Nationwide and California Classes by, among other things: maintaining a
10 discriminatory system of determining compensation; maintaining a discriminatory
11 system of compensation levelling based on job levels and career tacks; and
12 systemically discriminating against women in placement in and promotion to titles,
13 job levels, and career tracks.

14 76. These foregoing common policies, practices, and/or procedures have
15 produced an unjustified disparate impact on Plaintiff and the members of the
16 Nationwide and California Classes with respect to pay, promotion, and job
17 placement.

18 77. As a result of this disparate treatment and disparate impact
19 discrimination, Defendants have treated Plaintiff and the Nationwide and
20 California Classes differently from and less preferentially than similarly-situated
21 male employees with respect to pay, promotion, and job placement.

22 78. Defendants have failed to prevent, to respond to, to investigate
23 adequately, and/or to appropriately resolve this gender discrimination.

24 79. Defendants’ conduct has been intentional, deliberate, willful,
25 malicious, reckless, and conducted in callous disregard of the rights of the Class
26 Representative and all members of the Nationwide and California Classes, entitling
27 the Class Representative and all members of the classes to punitive damages.
28

1 80. As a result of Defendants' conduct alleged in this Complaint, the Class
2 Representative and the members of the Nationwide and California Classes have
3 suffered and continue to suffer harm, including but not limited to, lost earnings,
4 lost benefits, lost future employment opportunities, and other financial loss, as well
5 as non-economic damages.

6 81. By reason of the continuous nature of Defendants' discriminatory
7 conduct, which persisted throughout the employment of the Class Representative
8 and the members of the Nationwide and California Classes, the continuing
9 violations doctrine applies to all violations alleged herein.

10 82. By reason of Defendants' discrimination, the Class Representative
11 and the members of the Classes are entitled to all legal and equitable remedies
12 available for violations of Title VII, including reinstatement and an award of
13 compensatory and punitive damages. Attorneys' fees and costs should be awarded
14 under 42 U.S.C. § 2000e-5(k).

15 **COUNT 2**

16 **DENIAL OF EQUAL PAY FOR EQUAL WORK**

17 **(The Fair Labor Standards Act, as amended by the Equal Pay Act, 29 U.S.C.**
18 **§§ 206, et seq.)**

19 **(On Behalf of Class Representative, in her Individual and Representative**
20 **Capacities and the Collective Action Plaintiffs Against All Defendants)**

21 83. Plaintiff re-alleges and incorporates by reference each and every
22 allegation contained in the previous paragraphs of this Complaint as if fully set
23 forth herein.

24 84. This Count is brought on behalf of Plaintiff in her individual and
25 representative capacities, and all Collective Action Plaintiffs.

26 85. Defendants have discriminated against the Class Representative and
27 Collective Action Plaintiffs in violation of the Fair Labor Standards Act of 1938,
28 29 U.S.C. §§ 206, et seq., as amended by the Equal Pay Act of 1963 ("EPA").

1 Defendants have paid the Class Representative and Collective Action Plaintiffs less
2 than similarly-situated male colleagues performing equal work on jobs, the
3 performance of which requires equal skill, effort, and responsibility, and which are
4 performed under similar working conditions.

5 86. Defendants subjected the Class Representative and the Collective
6 Action Plaintiffs to common discriminatory pay policies, including: a
7 discriminatory system of determining salaries, stock awards, bonuses, and other
8 compensation incentives; discriminating against women in assignment to job level,
9 band, career track, and titles, which results in women receiving lower base and
10 incentive compensation; and other forms of discrimination affecting pay.

11 87. The differential in pay between male and female employees was not
12 due to seniority, merit, quantity, or quality of production, but was due to gender.

13 88. Defendants caused, attempted to cause, or contributed to the
14 continuation of the wage rate discrimination based on sex in violation of the EPA.
15 Moreover, the foregoing conduct constitutes a willful violation of the EPA within
16 the meaning of 29 U.S.C. § 255(a). Because Defendants have willfully violated
17 the EPA, a three-year statute of limitations applies to such violations, pursuant to
18 29 U.S.C. § 255.

19 89. As a result of Defendants' conduct alleged in this Complaint, the Class
20 Representative and all Collective Action Plaintiffs have suffered and will continue
21 to suffer harm, including but not limited to: lost earnings, lost benefits, and other
22 financial loss, as well as non-economic damages. By reason of the continuous
23 nature of Defendants' conduct, which persisted throughout the employment of the
24 Class Representative and the Class members, the continuing violations doctrine
25 applies to all violations alleged herein.

26 90. By reason of Defendants' discrimination, the Class Representative
27 and all Collective Action Plaintiffs are entitled to all legal and equitable remedies
28 available for violations of the EPA including liquidated damages for all willful

1 violations, prejudgment interest, attorneys' fees, costs, and other compensation
2 pursuant to 29 U.S.C. § 216(b). Attorneys' fees should be awarded under 29 U.S.C.
3 § 216(b).

4 **COUNT 3**

5 **GENDER DISCRIMINATION – PAY, PROMOTIONS, & PLACEMENT**
6 **(California Fair Employment and Housing Act, Cal. Gov. Code § 12940, *et***
7 ***seq.*)**

8 **(On Behalf of Class Representative, in her Individual and Representative**
9 **Capacities, and the California Class Against All Defendants)**

10 91. Plaintiff re-alleges and incorporates by reference each and every
11 allegation contained in the previous paragraphs of this Complaint as if fully set
12 forth herein.

13 92. This Count is brought on behalf of Plaintiff in her individual and
14 representative capacities, and all members of the California Class.

15 93. Defendants have discriminated against Plaintiff and the California
16 Class in violation of the California Fair Employment and Housing Act (the
17 "FEHA"), Cal. Gov't Code § 12940, *et seq.*, by subjecting them to different
18 treatment because and on the basis of their gender, including by engaging in
19 intentional disparate treatment, and by maintaining uniform policies and practices
20 that have an adverse, disparate impact on them.

21 94. Defendants have engaged in an intentional, company-wide and
22 systemic policy, pattern, and/or practice of discrimination against Plaintiff and the
23 California Class by, among other things: maintaining a discriminatory system of
24 determining compensation; maintaining a discriminatory system of compensation
25 levelling based on job levels and career tacks; and systemically discriminating
26 against women in placement in and promotion to titles, job levels, and career tracks.

1 95. These foregoing common policies, practices, and/or procedures have
2 produced an unjustified disparate impact on Plaintiff and the members of the
3 California Class with respect to pay, promotion, and job placement.

4 96. As a result of this disparate treatment and disparate impact
5 discrimination, Defendants have treated Plaintiff and the California Class members
6 differently from and less preferentially than similarly-situated male employees with
7 respect to pay, promotion, and job placement.

8 97. Defendants have failed to prevent, respond to, adequately investigate,
9 and/or appropriately resolve this gender discrimination.

10 98. Defendants' conduct has been intentional, deliberate, willful,
11 malicious, reckless, and conducted in callous disregard of the rights of the Class
12 Representative and all members of the California Class, entitling Class
13 Representative and all members of the California Class to punitive damages.

14 99. As a result of Defendants' conduct alleged in this Complaint, the Class
15 Representative and the members of the California Class have suffered and continue
16 to suffer harm, including but not limited to, lost earnings, lost benefits, lost future
17 employment opportunities, and other financial loss, as well as non-economic
18 damages.

19 100. By reason of the continuous nature of Defendants' discriminatory
20 conduct, which persisted throughout the employment of the Class Representative
21 and the members of the California Class, the continuing violations doctrine applies
22 to all violations alleged herein.

23 101. By reason of Defendants' discrimination, the Class Representative
24 and the members of the California Class are entitled to all legal and equitable
25 remedies available for violations of the FEHA, including reinstatement and an
26 award of compensatory and punitive damages.

27 102. Attorneys' fees should be awarded under Cal. Gov't Code § 12940.

28 ///

COUNT 4

**DENIAL OF EQUAL PAY FOR EQUAL & SUBSTANTIALLY SIMILAR
WORK**

**(California Equal Pay Act, as amended by The California Fair Pay Act, Cal.
Lab. Code §1197.5, et seq.; California Equal Pay Act, Cal. Lab § 1197.5
(West 2015) (amended 2015))**

**(On Behalf of Class Representative, in her Individual and Representative
Capacities, and the California Class Against All Defendants)**

103. Plaintiff re-alleges and incorporates by reference each and every allegation contained in the previous paragraphs of this Complaint as though fully set forth herein.

104. This Count is brought on behalf of Plaintiff in her individual and representative capacities, and all members of the California Class.

105. Defendants have discriminated against Plaintiff and all members of the California Class in violation of the California Equal Pay Act, Cal. Lab. Code § 1197.5 (West 2015) (amended 2015), et seq. Defendants have paid Class Representative and members of the California Class less than similarly-situated male colleagues in the same establishment performing equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions.

106. Defendants have discriminated against Plaintiff and all members of the California Class in violation of the California Equal Pay Act, as amended by the California Fair Pay Act, Cal. Lab. Code § 1197.5 et seq. Defendants have paid Class Representative and members of the California Class less than similarly-situated male colleagues performing substantially similar work, when viewed as a composite of skill, effort, and responsibility, and performed under similar working conditions.

1 107. Defendants subjected the Class Representative and the members of the
2 California Class to common discriminatory pay policies, including: a
3 discriminatory system of determining salaries, stock awards, bonuses, and other
4 compensation incentives; a discriminatory system of compensation levelling based
5 on job levels and career tracks; discriminating against women in assignment to job
6 level, band, career track, and titles, which results in women receiving lower base
7 and incentive compensation; and other forms of discrimination affecting pay.

8 108. The differential in pay between male and female employees was not
9 due to seniority, merit, or the quantity or quality of production, a bona fide factor
10 other than sex, such as education, training, or experience, but was due to gender.
11 In the alternative, to the extent that Defendants' relied upon one or more of these
12 factors, said factor(s) were not reasonably applied and did/do not account for the
13 entire wage differential.

14 109. Defendants caused, attempted to cause, contributed to, or caused the
15 continuation of, the wage rate discrimination based on sex. Moreover, the
16 foregoing conduct constitutes a willful violation of the California Equal Pay Act,
17 Cal. Lab. Code § 1197.5 (West 2015) (amended 2015), et seq., and California Equal
18 Pay Act, as amended by the California Fair Pay Act, Cal. Lab. Code § 1197.5 et
19 seq. Therefore, a three-year statute of limitations applies to such violations,
20 pursuant to California Equal Pay Act, Cal. Lab. Code § 1197.5(h) (West 2015)
21 (amended 2015), et seq., and California Equal Pay Act, as amended by the
22 California Fair Pay Act, Cal. Lab. Code § 1197.5(i).

23 110. As a result of Defendants' conduct alleged in this Complaint and/or
24 Defendants' willful, knowing, and intentional discrimination, Plaintiff has suffered
25 and will continue to suffer harm, including but not limited to lost earnings, lost
26 benefits, and other financial loss, as well as non-economic damages. By reason of
27 the continuous nature of Defendants' conduct, which persisted throughout the
28

1 employment of the Class Representative and the Class members, the continuing
2 violations doctrine applies to all violations alleged herein.

3 111. Plaintiff and the California Class are therefore entitled to all legal and
4 equitable remedies, including doubled compensatory awards for all willful
5 violations.

6 112. Attorneys' fees should be awarded under California Labor Code §
7 1197.5(h).

8 **COUNT 5**

9 **UNFAIR COMPETITION IN VIOLATION OF CALIFORNIA BUSINESS**
10 **AND PROFESSIONS CODE**

11 **California Business and Professions Code § 17200 *et seq.***

12 **(On Behalf of Class Representative, in her Individual and Representative,**
13 **Capacities, and the California Class Against All Defendants)**

14 113. Plaintiff re-alleges and incorporates by reference each and every
15 allegation contained in the previous paragraphs of this Complaint as though fully
16 set forth herein.

17 114. This Count is brought on behalf of Plaintiff in her individual and
18 representative capacities, and all members of the California Class.

19 115. Defendants are "persons" as defined under California Business &
20 Professions Code § 17021.

21 116. Defendants' willful failure to pay women equally and otherwise to
22 offer women equal employment opportunities as alleged above, constitutes
23 unlawful and/or unfair and/or fraudulent activity prohibited by California Business
24 and Professions Code §17200. As a result of their unlawful and/or unfair and/or
25 fraudulent acts, Defendants reaped and continue to reap unfair benefits and illegal
26 profits at the expense of Plaintiff and the California Class. Defendants should be
27 enjoined from this activity.
28

1 117. By reason of the continuous nature of Defendants' conduct, which
2 persisted throughout the employment of the Class Representative and the Class
3 members, the continuing violations doctrine applies to all violations alleged herein.

4 118. Accordingly, Plaintiff and the California Class members are entitled
5 to restitution with interest and other equitable relief, pursuant to Cal. Bus. & Prof.
6 Code §17203.

7 **COUNT 6**

8 **CLAIMS UNDER THE PRIVATE ATTORNEYS GENERAL ACT OF 2004**

9 **(Cal. Lab. Code §2698 *et seq.*)**

10 **(On Behalf of Class Representative, in her Individual and Representative**
11 **Capacities, and the PAGA Class Against All Defendants)**

12 119. Plaintiff re-alleges and incorporates by reference each and every
13 allegation contained in the previous paragraphs of this Complaint as though fully
14 set forth herein.

15 120. Plaintiff brings this claim on behalf of herself and other current and
16 former female employees directly employed by Western Digital Technologies,
17 Inc., Western Digital (Fremont), LLC, and/or Western Digital Media, LLC in
18 California in a Covered Position at any time on or after the date that is one year and
19 65 days prior to the date this Complaint is filed (excluding those who became
20 employed by Western Digital Corporation or an affiliated entity as a result of or in
21 connection with an acquisition on or after May 1, 2016)

22 121. The California Private Attorneys General Act of 2004, Cal. Lab. Code
23 §2698, *et seq.*, gives any employee aggrieved by an employer's violation of the
24 Labor Code the right to file an action to recover civil penalties for Labor Code
25 violations.

26 122. The California Equal Pay Act, Cal. Lab. Code § 1197.5(a) prohibits
27 employers from “pay[ing...] employees at wage rates less than the rates paid to
28 employees of the opposite sex for substantially similar work, when viewed as a

1 composite of skill, effort, and responsibility, and performed under similar working
2 conditions,” except where the employer demonstrates the wage differential is based
3 upon a seniority system, merit system, system that measures earnings by quantity
4 or quality of production or a bona fide factor other than sex, these factors account
5 for the entire wage differential, and each factor relied upon is applied reasonably.
6 “Prior salary shall not, by itself, justify any disparity in compensation.” Cal. Lab.
7 Code § 1197.5(a)(3).

8 123. Defendants have violated the California Labor Code by paying
9 women a wage rate less than that paid to men equally for performing equal or
10 substantially similar work when viewed as a composite of skill, effort, and
11 responsibility, and performed under similar working conditions, in violation of the
12 California Equal Pay Act, Cal. Lab. Code § 1197.5(a).

13 124. The above-referenced violations are willful, intentional, and ongoing.
14 Plaintiff, as a private attorney general, seeks to recover the maximum civil penalties
15 for all violations.

16 125. On November 14, 2016, Plaintiff filed notice of her PAGA claims for
17 violations of Labor Code Section 1197.5, stemming from pay discrimination and
18 retaliation with the California Department of Labor and Workforce Development
19 and served that notice on Defendants via certified mail.

20 126. For wages owed as a result of gender-based pay inequity, Plaintiff
21 seeks the maximum penalties provided by Labor Code Section 210(a), which
22 provides a civil penalty as follows: (1) for any initial violation, one hundred dollars
23 (\$100) for each failure to pay each employee; (2) for each subsequent violation, or
24 any willful or intentional violation, two hundred dollars (\$200) for each failure to
25 pay each employee, plus twenty-five percent of the amount unlawfully withheld.
26 Plaintiff seeks a civil penalty of \$200 per pay period per employee, plus twenty-
27 five percent of the unpaid wages owed in the aggregate to current and former
28 female attorneys on whose behalf Plaintiff brings this claim.

1 127. In addition, Plaintiff seeks costs and attorneys' fees under Labor Code
2 Section 2699(g).

3 **VIII. PRAYER FOR RELIEF ON CLASS, COLLECTIVE, AND PAGA**
4 **CLAIMS**

5 128. WHEREFORE, the Plaintiff, Class Representative, and Collective
6 Action Representative, on her own behalf and on behalf of the respective Classes
7 and Collective Action Plaintiffs, prays that this Court:

8 129. Certify this case as a class action maintainable under Federal Rules of
9 Civil Procedure Rule 23(a), (b)(2) and/or (b)(3), on behalf of the proposed
10 Nationwide Class; designate the proposed Class Representative; and designate
11 Plaintiff's counsel of record as Class Counsel for each Class;

12 130. Certify this case as a class action maintainable under Federal Rules of
13 Civil Procedure Rule 23(a), (b)(2) and/or (b)(3), on behalf of the proposed
14 California Class; designate the proposed Class Representative as representative;
15 and designate Plaintiff's counsel of record as Class Counsel for each Class;

16 131. Certify this action as a collective action under the EPA on behalf of
17 the Collective Action Representative and the Collective Action class; designate the
18 proposed Collective Action Representative as representative of the Collective
19 Action class; promptly issue notice pursuant to 29 U.S.C. § 216(b) to all similarly
20 situated members of the Collective Action, which (1) appries them of the
21 pendency of this action and (2) permits them to assert timely EPA claims in this
22 action by filing individual Consent to Join forms pursuant to 29 U.S.C. § 216(b);
23 and toll the statute of limitations on the claims of all members of the Collective
24 Action class from the date the original Complaint was filed until the Collective
25 members are provided with reasonable notice of the pendency of this action and a
26 fair opportunity to exercise their right to opt in as Collective Action Plaintiffs;

27 132. Declare and adjudge that Defendants' employment policies, practices,
28 and/or procedures challenged herein are illegal and in violation of the rights of the

1 Plaintiff, Class Representative, Collective Action Representative, members of the
2 Nationwide and California Classes, and Collective Action Plaintiffs;

3 133. Issue a permanent injunction against Defendants and their partners,
4 officers, trustees, owners, employees, agents, attorneys, successors, assigns,
5 representatives, and any and all persons acting in concert with them from engaging
6 in any conduct violating the rights of Plaintiff, Class Representative, Collective
7 Action Representative, members of the Nationwide and California Classes,
8 Collective Action Plaintiffs, and those similarly situated as secured by Title VII,
9 and the Equal Pay Act, the FEHA, and the California Equal Pay Act and order such
10 injunctive relief as will prevent Defendants from continuing their discriminatory
11 practices and from engaging in any further unlawful practices, policies, customs,
12 usages, and gender discrimination as set forth herein;

13 134. Order Defendants to adjust the wage rates and benefits for the
14 respective Plaintiff, Class Representative, Collective Action Representative,
15 members of the Nationwide Class, and Collective Action Plaintiffs to the level that
16 they would be enjoying but for the Defendants' discriminatory policies, practices,
17 and/or procedures;

18 135. Award back pay, front pay, lost benefits, preferential rights to jobs,
19 and other damages for lost compensation and job benefits suffered by Plaintiff,
20 Class Representative, Collective Action Representative, members of the
21 Nationwide and California Classes, and Collective Action Plaintiffs.

22 136. Award nominal, compensatory, and punitive damages to Plaintiff,
23 Class Representative, and members of the Nationwide Classes;

24 137. Award nominal and liquidated damages to Plaintiff, the Collective
25 Action Representative, and the Collective Action Plaintiffs in the maximum
26 amount available under the Equal Pay Act;

27 138. Order Defendants to make whole Plaintiff, Class Representative,
28 Collective Action Representative, members of the Nationwide and California

1 Classes, and Collective Action Plaintiffs by providing them with any other
2 monetary and affirmative;

3 139. Award litigation costs and expenses, including, but not limited to,
4 reasonable attorneys' fees, to the Plaintiff, Class Representative, Collective Action
5 Representative, members of the Nationwide and California Classes, and Collective
6 Action Plaintiffs;

7 140. Award Plaintiff, Class Representative, Collective Action
8 Representative, members of the Nationwide and California Classes, and Collective
9 Action Plaintiffs, all pre-judgment interest and post-judgment interest available
10 under law;

11 141. Award Plaintiff, Class Representative, Collective Action
12 Representative, members of the Nationwide and California Classes, and Collective
13 Action Plaintiffs any other appropriate equitable relief;

14 142. Award civil penalties pursuant to the California Private Attorneys
15 General Act, Cal. Lab. Code §2698, *et. seq.*

16 143. Order that this Court retain jurisdiction of this action until such time
17 as the Court is satisfied that the Defendants have remedied the practices complained
18 of herein and are determined to be in full compliance with the law; and

19 144. Award additional and further relief as this Court may deem just and
20 proper.

JURY DEMANDED

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

Dated: May 14, 2019

Respectfully submitted,

/s/ David Sanford

David Sanford (*Pro Hac Vice to be filed*)
Danielle Fuschetti (CA SBN 294064)
SANFORD HEISLER SHARP, LLP

Felicia Medina (CA SBN 255804)
MEDINA ORTHWEIN, LLP