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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

SUZANNE-JULIETTE MOBLEY, DANIEL
ADRIAN MANRIQUEZ, and VICTOR
ONUOHA, on behalf of themselves and all
others similarly situated,

Plaintiffs,

vs.

FACEBOOK, INC.,

Defendant.

Case No. 16-cv-06440-EJD

FIRST AMENDED COMPLAINT

1 Individual and Representative Plaintiffs Suzanne-Juliette Mobley, Daniel Adrian
2 Manriquez, and Victor Onuoha (“Plaintiffs”), on behalf of themselves and all others similarly
3 situated, allege, upon personal knowledge as to themselves and upon information and belief as to
4 other matters, as follows:

5 **SUMMARY OF CLAIMS**

6 1. This is a class action brought by Plaintiffs against Facebook, Inc. (“Facebook”)
7 alleging violations of Title VII of the Civil Rights Act, 42 U.S.C. §2000e, *et seq.* (“Title VII”), the
8 Fair Housing Act (“FHA”), 42 U.S.C. §3601, *et seq.*, the Equal Credit Opportunity Act, 15 U.S.C.
9 §1691, *et seq.* (“ECOA”), the Civil Rights Act of 1866, 42 U.S. C. §§ 1981 & 1982 (“Section
10 1981” and “Section 1982”), as well as the California Fair Employment and Housing Act, Cal. Gov.
11 Code § 12900, *et seq.* (“FEHA”), the California Unfair Competition Law, Cal. Bus. & Prof. Code
12 § 17200, *et seq.* (“UCL”), and the California Unruh Civil Rights Act, Cal. Civil Code § 51(b).

13 2. With more than 191,000,000 users in the United States and over a billion users
14 worldwide, Facebook is one of the most popular web sites in the world for individuals to obtain
15 information of all kinds. Facebook is also one of the most popular tools for businesses to recruit
16 applicants for employment, housing, and credit opportunities (the “Relevant Opportunities”), and
17 for individuals to seek and pursue the Relevant Opportunities.

18 3. Facebook provides tools to businesses (“Businesses”) to allow them to target
19 particular individuals and groups of individuals based on information about Facebook users that
20 Facebook collects, analyzes, and categorizes. The tools that Facebook provides Businesses enable
21 and encourage discrimination by excluding African Americans, Latinos, and Asian Americans—but
22 not white Americans—from receiving advertisements for the Relevant Opportunities.

23 4. By designing and providing those tools to Businesses, Facebook has engaged in a
24 pattern or practice of providing racially discriminatory marketing, recruitment, sourcing,

1 advertising, branding, information, and/or hiring services for and on behalf of employers, housing
2 providers, and creditors in violation of federal and state civil rights laws.

3 5. In 1866, Congress enacted Sections 1981 and 1982 to ensure that all persons would
4 have an equal right to make and enforce contracts and purchase and sell real property. 42 U.S.C.
5 §§ 1981, 1982.

6 6. In 1964, due to the intransigence of ongoing systemic discrimination caused by
7 individual bad actors and societal forces, Congress enacted Title VII of the Civil Rights Act to ban
8 employment discrimination based on race, national origin, and other protected classes, and in 1968
9 Congress enacted the Fair Housing Act as Title VIII of the Civil Rights Act to ban housing
10 discrimination based on race, national origin, and other protected classes. Through these laws,
11 Congress mandated that employers and employment agencies cannot engage in discriminatory
12 marketing, hiring, or recruitment services and that employers, employment agencies, salespeople,
13 and corporations cannot publish discriminatory employment or housing advertisements.

14 7. Likewise, in 1974, Congress enacted the Equal Credit Opportunity Act to ban
15 discrimination in credit transactions, and the federal government has interpreted ECOA to ban
16 discriminatory marketing services and the discriminatory publication of credit opportunities,
17 including advertising that would discourage a person from applying for credit.

18 8. For decades, federal courts and enforcement agencies have understood that Title VII,
19 the FHA, and ECOA provide a cause of action against entities engaged in discriminatory
20 advertising, marketing, or recruitment, not only when the *content* of the relevant material expresses
21 bias for or against a particular group, but also when *certain people or communities* are targeted to
22 receive the relevant materials or are excluded from receiving the relevant materials, regardless of
23 the content of the materials.

24 9. More generally, these federal civil rights laws, as well as Section 1981 and Section

1 1982, ban discrimination in the process by which companies recruit, hire, source, and/or procure
2 applicants for employment, housing, and credit opportunities.

3 10. In 1959, the California Legislature enacted the Fair Employment and Housing Act,
4 which has long barred discriminatory marketing, recruitment, sourcing, advertising, branding,
5 information, and/or hiring services in which companies seek applicants for economic opportunities.

6 11. Before the development of the modern internet, if a Business wanted to recruit
7 workers, sell or rent housing, or offer credit opportunities, the company would likely hire a
8 marketing firm to determine the content of advertisements to send to prospective applicants; decide
9 the audience to be targeted by the advertisements; identify which publications to place the
10 advertisements; contact and negotiate with newspapers, magazines, television stations, and delivery
11 people to place the advertisements; and pay for the advertisements. The marketing firm could help
12 the Business to determine how placing advertisements in different types of publications or media or
13 delivering mail or flyers to the homes of residents in certain areas would reach a desired population
14 of individuals, who would respond to the advertisements by applying for employment, housing, or
15 credit opportunities. In some cases, marketing firms would—in contravention of federal and state
16 civil rights laws—offer tools for Businesses to target advertising to white Americans and/or exclude
17 African Americans, Latinos, and Asian Americans, and marketing firms would execute such
18 discriminatory targeting strategies on behalf of those Businesses.

19 12. In the modern day, when Businesses want to recruit applicants for employment,
20 housing, and credit opportunities, Facebook performs the necessary functions to create the
21 advertisement; collect, develop and provide databases of information on Facebook users to
22 Businesses so that such Businesses can discriminate between various populations in their
23 recruitment, marketing and/or or advertising campaigns; develop the recruitment, marketing and/or
24 advertising strategy to determine which people will and will not receive the advertisements; and

1 deliver the advertisements to those people.

2 13. Facebook in part or in whole creates, develops, collects, analyzes, categorizes,
3 channels, and delivers the marketing, recruitment, sourcing, advertising, branding, information,
4 and/or hiring services that employers, housing providers, and creditors use to identify, communicate
5 with, recruit, advertise for, seek, hire, and/or attract applicants for employment, housing, and credit
6 opportunities. By creating, developing, channeling, collecting, analyzing, categorizing, and
7 executing these marketing, recruitment, sourcing, advertising, branding, information, and/or hiring
8 services, Facebook has violated the federal and state civil rights laws set forth herein by
9 encouraging, enabling, and performing discriminatory marketing, recruitment, sourcing,
10 advertising, branding, information, and/or hiring services for Businesses that seek applicants for
11 employment, housing, and credit opportunities.

12 14. At the heart of Facebook's powerful marketing platform are tools for advertisers to
13 exclude or include Facebook users who will view an advertisement, and those tools facially
14 discriminate based on various protected classes, including race and national origin, or discriminate
15 based on other characteristics that have an unjustified adverse impact based on race or national
16 origin, including the zip code a person lives in or characteristics that are similar to a company's
17 existing customers.

18 15. In short, Facebook is not a passive player in the commercial market in which
19 Businesses seek employment, housing and credit opportunities. Instead, Facebook's platform and
20 tools are a central aspect of Businesses' ability to selectively market, recruit, source, advertise, and
21 brand employment, housing, and credit opportunities in a discriminatory manner. While Facebook
22 believes that it is desirable to limit which Facebook users will see an advertisement based on the
23 race, national origin, and/or location of the Facebook user, federal and state law prohibit racial and
24 national origin discrimination in affording employment, housing, and credit opportunities. Rather

1 than promoting nondiscrimination and integration—the twin aims of federal and state civil rights
2 laws—discriminatory marketing, recruitment, sourcing, advertising, branding, information, and/or
3 hiring services perpetuate segregation, discrimination, and division in America.

4 16. While it is well-settled that redlining (the exclusion of whole communities from
5 economic opportunities, such as mortgage lending or housing purchases) constitutes unlawful
6 discrimination, Facebook’s discriminatory marketing platform enables employers, housing
7 providers, and creditors to draw a red line around a predominantly African American, Latino, or
8 Asian American community and exclude the residents in that community from receiving
9 advertisements about employment, housing, and credit opportunities.

10 17. Until Facebook ceases its discriminatory marketing, recruitment, sourcing,
11 advertising, branding, information, and/or hiring services, people of color who seek employment,
12 housing, and credit opportunities will continue to be denied economic opportunities and all
13 communities will be denied the benefits of living in a more equal, united, and integrated society.

14 **JURISDICTION AND VENUE**

15 18. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331, as Plaintiffs
16 assert federal claims under Title VII, the FHA, ECOA, Section 1981, and Section 1982; under 28
17 U.S.C. § 1343(a)(4) as Plaintiffs seek to secure equitable and other relief under federal civil rights
18 laws; under 42 U.S.C. § 3613(a)(1)(A) as Plaintiffs seek appropriate relief regarding a
19 discriminatory housing practice under the Fair Housing Act; under 42 U.S.C. § 2000e-5(f)(3), as
20 Plaintiffs seek relief under Title VII; and under 15 U.S.C. § 1691e(f), as Plaintiffs seek relief under
21 ECOA.

22 19. The Court has supplemental jurisdiction over Plaintiffs’ state law claims under the
23 California Fair Employment and Housing Act, the California Unfair Competition Law, and the
24 Unruh Civil Rights Act (“Unruh Act”), pursuant to 28 U.S.C. § 1367(a), as Plaintiffs’ FEHA, UCL,

1 and Unruh Act claims are so related to their federal claims in this action such that they form part of
2 the same case or controversy.

3 20. The Court also has subject matter jurisdiction over all of the claims in this action
4 pursuant to 28 U.S.C. § 1332(d)(2), as the matter in controversy exceeds the sum or value of \$5
5 million, exclusive of interest and costs, and it is a class action in which members of the plaintiff
6 Class are citizens of different states than Facebook.

7 21. This Court has personal jurisdiction over Facebook. There is general jurisdiction
8 over Facebook, as Facebook’s corporate headquarters are located in this District in Menlo Park,
9 California, Facebook conducts substantial business throughout this District and in the State of
10 California, and Facebook employs thousands of workers in the State. Facebook has consented to
11 this Court asserting personal jurisdiction over Facebook, as Facebook’s Statement of Rights and
12 Responsibilities requires its users to resolve any disputes in the Northern District of California or a
13 state court located in San Mateo County and requires its users to “submit to the personal jurisdiction
14 of such courts for the purpose of litigating all such claims.”¹

15 22. Declaratory and injunctive relief is sought and authorized by 28 U.S.C. §§ 2201 and
16 2202.

17 23. Venue is proper in this District under 28 U.S.C. § 1391(b)(1), as the sole Defendant
18 resides in this District, and under 28 U.S.C. § 1391(b)(2), as a substantial part of the events or
19 omissions giving rise to Plaintiffs’ claims occurred in this District, where Facebook conducts its
20 marketing, recruitment, sourcing, advertising, branding, information, and/or hiring services and
21 other activities. Venue is also proper because Facebook’s Statement of Rights and Responsibilities
22 requires its users to resolve any disputes in the Northern District of California or a state court
23 located in San Mateo County. The same Statement of Rights and Responsibilities provides that

24 _____
¹ See <https://www.facebook.com/terms.php>.

1 “The laws of the State of California will govern this Statement, as well as any claim that might arise
2 between you and us, without regard to conflict of law provisions.”

3 24. Pursuant to the Equal Employment Opportunity Commission’s (“EOEC”) work-
4 sharing agreement with the California Department of Fair Employment and Housing (“DFEH”), the
5 charges of discrimination of Manriquez and Onuoha are considered dually filed with the DFEH. By
6 notice dated February 7, 2017, the DFEH dismissed Onuoha’s cases and issued a Notice of Right to
7 Sue, and by notice dated February 7, 2017, the EEOC issued Notice of Right to Sue to Onuoha.
8 Attached hereto as Exhibit A is a true and correct copy of Onuoha’s charge of discrimination,
9 DFEH right to sue letter, and EEOC right to sue letter.

10 **THE PARTIES**

11 25. Plaintiff Suzanne-Juliette Mobley is an African-American resident of New Orleans,
12 Orleans, and lives in a predominantly African-American community. More than 70 percent of the
13 residents of the zip code in which Mobley resides are African American. Mobley is a Community
14 Engagement Manager, a mother, and a regular Facebook user. Throughout the past year, Mobley
15 has sought and/or has been interested in obtaining housing, employment, and credit opportunities,
16 and in doing so has reviewed advertisements that various Businesses and Facebook selected for
17 Mobley to receive.

18 26. Plaintiff Daniel Adrian Manriquez is a Latino resident of Phoenix, Arizona, and lives
19 in a predominantly Latino community. More than 53 percent of the residents of the zip code in
20 which Manriquez resides are Latino and more than 13 percent are African American. Manriquez is
21 a regular Facebook user. Throughout the past year, Manriquez has sought and/or has been
22 interested in obtaining housing, employment, and credit opportunities, and in doing so has reviewed
23 advertisements that various Businesses and Facebook selected for Manriquez to receive.

24 27. Plaintiff Victor Onuoha is an African American resident of Gretna, Louisiana, and

1 lives in a predominantly non-white community. More than 38 percent of the residents of the zip
2 code in which Onuoha resides are African American and more than 15 percent are Latino. Onuoha
3 is a regular Facebook user. Throughout the past year, Onuoha has sought and/or has been interested
4 in obtaining housing, employment, and credit opportunities, and in doing so has reviewed
5 advertisements that various Businesses and Facebook selected for Onuoha to receive.

6 28. Defendant Facebook, Inc. (“Facebook”) is a publicly traded corporation,
7 headquartered at 1601 Willow Road, Menlo Park, California, 94025, incorporated under the laws of
8 the State of Delaware. Facebook owns and operates an online social networking web site that
9 allows its billion-plus daily users to communicate with each other through the sharing of text,
10 photograph, and video. Part of Facebook’s web site is an Ad Platform that allows Businesses and
11 people to pay money to have Facebook provide marketing, recruitment, sourcing, advertising,
12 branding, information, and/or hiring services for such Businesses, including displaying
13 advertisements for employment, housing, and credit opportunities. In 2015, Facebook earned 95
14 percent of its \$17.93 billion in revenues from third parties who advertised on Facebook.

15 **FACTUAL ALLEGATIONS**

16 29. According to Facebook’s 2015 Annual Report, “Facebook is a mobile application
17 and website that enables people to connect, share, discover, and communicate with each other on
18 mobile devices and personal computers.” Facebook “had 1.04 billion daily active users (DAUs) on
19 average in December 2015.” *Id.*² “There are a number of different ways to engage with people on
20 Facebook, the most important of which is News Feed which displays an algorithmically-ranked
21 series of stories and advertisements individualized for each person.” *Id.*

22 30. According to Facebook’s 2015 Annual Report, Facebook “generate[s] substantially
23 all of [its] revenue from selling advertising placements to marketers. [Its] ads let marketers reach




24 ² See https://s21.q4cdn.com/399680738/files/doc_financials/annual_reports/2015-Annual-Report.pdf (Facebook, Inc. Annual Report for the Fiscal Year Ended December 31, 2015).

1 people based on a variety of factors including age, gender, location, interests, and behaviors.
 2 Marketers purchase ads that can appear in multiple places including on Facebook, Instagram, and
 3 third-party applications and websites.”

4 31. In advertising its marketing, recruitment, sourcing, advertising, branding,
 5 information, and/or hiring services to Businesses, including employers, housing providers, and
 6 creditors, Facebook emphasizes how its services can be used to identify or target people who fall
 7 into various demographics groups:³

Your people are here

Over a billion people use Facebook, Instagram and Audience Network every day. With our powerful audience selection tools, you can target the people who are right for your business. Using what you know about your customers—like demographics, interests and behaviors—you can connect with people similar to them. There are three options for choosing your audience on Facebook:

 <p>Core Audiences</p> <p>Select your audience manually based on characteristics, like age and location.</p>	 <p>Custom Audiences</p> <p>Upload your contact list to connect with your customers on Facebook.</p>	 <p>Lookalike Audiences</p> <p>Use your customer information to find people similar to them on Facebook.</p>
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19 32. In describing “How to target Facebook Ads” in order to “[r]efine your advertising to
 20 reach the people who matter most to your business,” Facebook states that the advertiser should
 21 “[c]hoose the right audience” to “target specific groups[.]” It encourages advertisers to use
 22 “[l]ocation targeting” that “allows you to reach customers in key locations by country,
 23 state/province, city and zip code” based on Facebook users’ “stated location on their Timeline” and

24 ³ See <https://www.facebook.com/business/products/ads/ad-targeting> (in the “facebook business” section: “Choose your audience: Connect with the people who will love your business.”).

1 “their IP (Internet Protocol) address.” In addition, Facebook encourages advertisers to “refine your
2 ad’s target audience based on content people have shared about themselves in their Facebook
3 profiles, such as age, gender, relationship status, education and type of work they do.”⁴

4 33. In describing how its “detailed targeting” function works—the primary Core
5 Audience function for manually targeting particular groups of people—Facebook gives advertisers
6 step-by-step instructions on how to click on the various drop-down menus to “include” certain types
7 of people and “exclude” other types of people. The categories that can be used to exclude or
8 include Facebook users in the final audience who will receive advertisements include
9 “Demographics,” “Interests,” and “Behaviors,” and these categories have a number of sub-
10 categories that can be selected to target with precision which individuals will receive
11 advertisements.

12 34. When Businesses use Facebook’s suggested drop-down forms to select which
13 Facebook users will receive their advertisements, Facebook encourages those Businesses to “Show
14 your ads to the right people in the right places.” Facebook Ads Manager, Create an Ad.⁵ Similarly,
15 Facebook’s web page that gives a description of how to target Facebook users through
16 advertisements states in its title “Easier, More Effective Ways to Reach the Right People on
17 Facebook.”⁶ And a similar web page describes “Targeting tips to reach the right people,” and
18 displays a picture of two women who appear to be white.⁷

19 35. As Facebook recently explained in demonstrating how Businesses can use the

20 _____
21 ⁴ See <https://www.facebook.com/business/a/online-sales/ad-targeting-details/> (in the “facebook
22 business” section: “How to target Facebook Ads: Refine your advertising to reach the people who
23 matter most to your business.”)

24 ⁵ See <https://www.facebook.com/business/help/132037906870538> (in the “facebook business”
25 section, describing the “Facebook Ads Manager” and the “Create an Ad” application).

⁶ See <https://www.facebook.com/business/news/Core-Audiences> (in the “facebook business”
26 section: “Easier, More Effective Ways to Reach the Right People on Facebook”).

⁷ See <https://www.facebook.com/business/a/facebook-ads-targeting-tips> (in the “facebook business”
27 section: “Targeting tips to reach the right people”).

1 Primary Core Audience function to manually target certain groups of Facebook users, by using its
 2 numerous drop-down menus, an advertiser creates its “final audience.” As Facebook explained, the
 3 final audience could meet the following criteria:

- 4 • People in the United States
- 5 • Who are between the ages of 15-35
- 6 • And are also men
- 7 • They must also use either an iPhone 6 OR an iPhone 6 Plus
- 8 • They must also be interested in action games to be in my audience
- 9 • However, if they meet all of the above but have a 2G network connection, then they’ll be excluded from my audience.⁸

10 36. While some of these characteristics that are “include[d]” or “exclude[d]” may seem
 11 innocuous, numerous protected characteristics that involve or relate to race, national origin,
 12 ethnicity, sex, national origin, religion, and age, can be used to select which Facebook users will
 13 have the opportunity to view the advertisement and which Facebook users will not be afforded the
 14 same opportunity.

15 37. Through its “Demographics” category and “Ethnic Affinity” sub-category, Facebook
 16 encourages, enables, and assists advertisers to include or exclude who will view the advertisements
 17 based on the race or perceived race of the Facebook user. The “Demographics-Ethnic Affinity”
 18 choices are the following:

- 19 • African American (US)
- 20 • Asian American (US)
- 21 • Hispanic (US – All)
- 22 • Hispanic (US – Bilingual)
- 23 • Hispanic (US – English dominant)
- 24 • Hispanic (US – Spanish Dominant)

Facebook Ads Manager, Create an Ad.⁹

⁸ See Digital Marketer, Facebook Flex Targeting: Now You Can Have Your Cake AND-OR Eat It Too (Nov. 13, 2015), <http://www.digitalmarketer.com/facebook-flex-targeting/> (describing Facebook’s demonstration of its targeting to identify a “final audience”).

⁹ See <https://www.facebook.com/business/help/132037906870538> (in the “facebook business” section, describing the “Facebook Ads Manager” and the “Create an Ad” application).

1 38. Unlike the African American, Asian American, and Hispanic “Demographics”
 2 groups that can be used by Businesses to exclude Facebook users in these demographic groups from
 3 receiving Facebook advertisements, Facebook does not have a white “Demographics” group that
 4 can be used to similarly exclude white Facebook users or Facebook users who have an affinity for
 5 whites.

6 39. Based on a user’s online activity, Facebook automatically designates its users as
 7 having a particular racial or Demographics-Ethnic Identity, which, in turn, is used to exclude or
 8 include the person in marketing or recruiting from advertisers.

9 40. Based on a user’s online activity, Facebook automatically designates its users in a
 10 particular Expat subcategory/national origin, which, in turn, is used to exclude or include the person
 11 in marketing or recruiting from advertisers.

12 41. In order to assist Businesses in identifying individuals who would may be seeking
 13 employment, housing, and credit opportunities, Facebook creates profiles of its users—based on
 14 their Internet activity—so that Facebook can assist advertisers who want to target their
 15 advertisements to Facebook users who may be interested in employment, housing, or credit
 16 opportunities. For example, by selecting drop-down choices provided by Facebook (as well as
 17 categorizes that can be searched for in a search engine), Businesses can use Facebook’s services to
 18 target their advertisements to individuals who fall into the following categories of people who have
 19 expressed an interest in or have liked Facebook pages related to housing, employment, or credit:

<u>EMPLOYMENT</u>	<u>HOUSING</u>	<u>CREDIT</u>
Job	Housing	Credit cards
Job hunting	Affordable housing	Credit (finance)
Job fair	Apartment	Credit history
Finding a New Job	Multi-family residential	Line of credit
Looking for a New Job	Renting	Creditor
Employment	Rent-to-own	Car finance
Employment website	Likely to move	Title loan

<u>EMPLOYMENT</u>	<u>HOUSING</u>	<u>CREDIT</u>
Employment agency	New mover	Student loan
Employment contract	Mortgage loans	Student Loan Support
Turnover (employment)	Mortgage modification	Private student loan
Involuntary termination of employment	Second mortgage	Student loan default in U.S.
Dismissal (employment)	Flexible mortgage	Student Loans Company
Permanent employment	Subprime mortgage	Student debt
Application for Employment	Recent homebuyer	
Temporary Work	Recent mortgage borrower	
Jobless		
Unemployed		
Being unemployed		
Unemployed Looking for work		
Unemployment extension		

42. In addition to encouraging, enabling, and assisting advertisers to exclude or include Facebook users from receiving advertisements based on their racial demographic backgrounds and their interests in employment, housing, and credit opportunities, Facebook encourages and assists Businesses in excluding and including individuals who live in particular locations, such as individuals who live in a specific zip code, as well as individuals who were “recently in this location” or were “traveling in this location.”

43. When an advertiser heeds Facebook’s encouragement to exclude or include people who live in certain zip codes, Facebook’s mapping tool draws a bright red line around the zip code that is being excluded (and whose residents will not receive the advertisement) and a blue line around the zip code that is being included (and whose residents will receive the advertisement). Thus, Businesses who are marketing to and recruiting applicants for employment, housing, and credit opportunities can literally redline an entire zip code or group of zip codes.

1 44. By encouraging Businesses to exclude and include people who live in particular
2 locations, especially zip codes, and by giving them the tools and services to do so with precision,
3 Facebook encourages, enables and assists Businesses to place advertisements that often will
4 disproportionately reach people of a particular racial or ethnic background or national origin and
5 will not reach other people from different racial or ethnic backgrounds or national origin.

6 45. As Facebook is aware, metropolitan areas throughout the United States are highly
7 segregated based on race, such that marketing to or recruiting applicants for employment, housing,
8 or credit opportunities based on the zip code in which the potential applicants reside can be
9 expected to exclude or include certain communities based on race or national origin, and has the
10 effect of excluding African American, Latino, and other non-white communities.

11 46. Similar to Facebook's detailed targeting tool that excludes Facebook users based on
12 location, Facebook encourages Businesses to limit the geographic scope of their advertisements by
13 a mileage radius around a single location. For example, by allowing advertisers to select a 1 mile
14 radius drop-down button, Facebook encourages, enables, and assists Businesses to send an
15 advertisement only to people within one mile in any direction of a particular place. In highly
16 segregated areas, limiting the geographic scope of an advertisement to a one-mile radius will
17 disproportionately reach people of a particular racial or ethnic background or national origin and
18 will not reach other people from different racial or ethnic backgrounds or national origin.

19 47. All of the information that Facebook provides to Businesses that enables those
20 Businesses to determine who will and who will not receive their advertisements is created or
21 developed in whole or in part by Facebook, including information on Facebook users'
22 Demographics, Ethnic Affinity, Interests, and Location.

23 48. In addition to encouraging, enabling, and assisting advertisers to employ features
24 that expressly target individuals based on race, national origin, and their geographic location,

1 Facebook encourages, enables, and assists Businesses to target advertisements to only their existing
2 customers (*i.e.*, “Custom Audiences”) and to target advertisements to individuals who are similar to
3 their existing customers (*i.e.*, “Lookalike Audiences”). As Facebook explains, “A Lookalike
4 Audience is a way to reach new people who are likely to be interested in your business because
5 they’re similar to people who already are.”¹⁰ Facebook uses “traits” such as “location, age, gender
6 and interests” to determine which Facebook users are similar to an advertiser’s existing
7 customers.¹¹ Facebook, not the advertiser, determines which customers are similar and will, thus,
8 be targeted to receive an advertisement in a Lookalike Audience. After the advertiser uploads its
9 list of existing customers, Facebook will “hash [its] data, upload it and create [the] audience[.]”¹²

10 49. In describing “Targeting tips to reach the right people,” Facebook states that it
11 “recommend[s] creating your ads through Ads Manager, using the Facebook pixel, and *maintaining*
12 *a list of your current customers to set yourself up for ads targeting success.*” To do this effectively,
13 Facebook recommends that the Business (1) “Understand your target audience,” especially “Who
14 they are based on demographics,” (2) “Be specific about who you want to reach,” because “[w]hen
15 you narrow your targeting you can focus on reaching the people *who matter most* to your business,”
16 including by targeting Custom Audiences, and (3) “Reach interested and engaged audiences,” by
17 “find[ing] more people on Facebook who share traits – like location, age, gender, and interests –
18 with your customers[.]”¹³

19 50. On Facebook’s web site, Facebook describes for users “How does Facebook decide
20 which ads to show me,” and states that “[t]o decide which ads to show you, we use . . . information

21 ¹⁰ See <https://www.facebook.com/business/help/164749007013531> (in the “facebook business”
22 section: “Introduction to Lookalike Audiences”).

23 ¹¹ See <https://www.facebook.com/business/a/facebook-ads-targeting-tips> (in the “facebook
24 business” section: “Targeting tips to reach the right people”).

¹² See <https://www.facebook.com/business/help/170456843145568> (in the “facebook business”
section: “How do I create a Custom Audience from my customer file?”).

¹³ See <https://www.facebook.com/business/a/facebook-ads-targeting-tips> (in the “facebook
business” section: “Targeting tips to reach the right people”).

1 about you from your Facebook account (ex: your age, your gender, your location, the devices you
2 use to access Facebook).”¹⁴

3 51. When Facebook places an advertisement on a customer’s personal Facebook page,
4 Facebook gives the customer an opportunity to see why the customer has been selected to see that
5 particular advertisement. Under the so-called “Why am I seeing this” function, Facebook tells
6 customers, for example, that they are seeing the advertisement because the Business wants to reach
7 people who may be similar to their customers, people who are part of an audience called Ethnic
8 affinity-African American (US), or people who are in specific location or area.

9 52. As the Washington Post recently explained: “When combined with the information
10 you’ve already given Facebook, through your profile and your clicks, you end up with what is
11 arguably the most complete consumer profile on earth: a snapshot not only of your Facebook
12 activity, but your behaviors elsewhere in the online (and offline!) worlds.” Those data points
13 include: “Location,” “Age,” “Gender,” “Language,” “Education level,” “Ethnic affinity,” “Income
14 and net worth,” “Home ownership and type,” “users who have new jobs,” “Employer,” “Industry,”
15 and “Job title.”¹⁵

16 53. Facebook has emerged as one of the largest venues for employers, housing
17 providers, and credit providers to seek applicants for employment, housing, and credit
18 opportunities. For example, most individuals who seek employment opportunities use Facebook to
19 look for work, the vast majority of job seekers have Facebook profiles, and large numbers of
20 employers, housing providers, and credit providers use Facebook to recruit, hire, market, advertise,
21 and brand themselves to individuals who are seeking employment, housing, and credit

22 ¹⁴ See <https://www.facebook.com/help/562973647153813?helpref=related> (in the Facebook “help
23 center” section: “How does Facebook decide which ads to show me and how can I control the ads I
see?”).

24 ¹⁵ Caitlin Dewey, *98 personal data points that Facebook uses to target ads to you*, Wash. Post
(Aug. 19, 2016), [https://www.washingtonpost.com/news/the-intersect/wp/2016/08/19/98-personal-
data-points-that-facebook-uses-to-target-ads-to-you/?utm_term=.e8c925794fe0](https://www.washingtonpost.com/news/the-intersect/wp/2016/08/19/98-personal-data-points-that-facebook-uses-to-target-ads-to-you/?utm_term=.e8c925794fe0).

1 opportunities. For example, a 2015 survey reported that 92 percent of employment recruiters user
2 social media to recruit applicants for employment.¹⁶ In addition, a 2016 study by the Society for
3 Human Resource Management found that 66 percent of employers who recruit via social media
4 employ Facebook to recruit applicants for employment.¹⁷ Notably, the ability to recruit passive job
5 candidates is the top reason that employers use social media to recruit applicants for employment.
6 And some employers even use social media as their primary source of recruiting.¹⁸

7 54. Employers, housing providers, and credit providers not only sponsor advertisements
8 on Facebook users' news feeds to seek applicants for specific employment, housing, or credit
9 opportunities, but they also use Facebook as a main source of showcasing their brands to potential
10 applicants.¹⁹ Enhancing a company's brand increases the likelihood that a person will apply for
11 employment, housing, or credit opportunities with that company in the future.

12 55. Upon information and belief, Facebook has engaged in a pattern or practice of
13 providing marketing, recruitment, sourcing, advertising, branding, information, and/or hiring
14 services for and on behalf of Businesses that seek applicants for employment, housing, and credit
15 opportunities via Facebook and that use Facebook's targeting tools to exclude which Facebook
16 customers will receive such marketing, recruitment, sourcing, advertising, branding, information,
17 and/or hiring advertisements for employment, housing, and credit opportunities based expressly on
18 race or national origin of the Facebook user and based on facially neutral characteristics of the
19 Facebook user that have a disparate impact on African American, Latino, Asian American and other

20 ¹⁶ AdWeek, Survey: 92% of Recruiters Use Social Media to Find High-Quality Candidates (Sept.
21 22, 2015), <http://www.adweek.com/socialtimes/survey-96-of-recruiters-use-social-media-to-find-high-quality-candidates/627040>.

22 ¹⁷ SHRM Survey Findings: Using Social Media for Talent Acquisition—Recruitment and
23 Screening (Jan. 7, 2016), at 9, <https://www.shrm.org/hr-today/trends-and-forecasting/research-and-surveys/Documents/SHRM-Social-Media-Recruiting-Screening-2015.pdf>.

24 ¹⁸ *Id.* at 7, 11.

¹⁹ *See, e.g.*, Link Humans, How Social Media is Used for Recruiting in 2013 (Study),
<http://linkhumans.com/blog/social-recruiting-2013>.

1 non-white persons, including the location of the Facebook user and the user’s similarity to the
2 company’s existing customers (“pattern or practice”).

3 56. Upon information and belief, Facebook’s pattern or practice facially discriminates
4 against African Americans, Latinos, Asian Americans, and other non-white Facebook users whom
5 Facebook has identified as African Americans, Latinos, or Asian Americans, or having an affinity
6 for or an association with such groups, and its pattern or practice has as an unjustified disparate
7 impact on African Americans, Latinos, Asian Americans, and other non-white individuals.

8 57. Upon information and belief, by providing marketing, recruitment, sourcing,
9 advertising, branding, information, and/or hiring services for and on behalf of Businesses that seek
10 applicants for employment, housing, and credit opportunities via Facebook based on a racial or
11 ethnic group that Facebook knows or believes the user has an affinity for, an association with, is a
12 member of, or otherwise likes, Facebook is engaging in disparate treatment, race- or national
13 origin-based stereotyping, and/or associational discrimination based on race or national origin, and
14 Facebook is engaging in practices that have an unjustified disparate impact on African American,
15 Latinos, Asian American, and other non-white individuals.

16 58. Upon information and belief, for a substantial period of time Plaintiffs and members
17 of the proposed Class have not received (or have not regularly received) Facebook advertisements
18 for employment, housing and/or credit opportunities from Facebook and Businesses that use
19 Facebook’s marketing, recruitment, sourcing, advertising, branding, information, and/or hiring to
20 seek applicants for such employment, housing and/or credit opportunities, including advertisements
21 that were provided to similarly situated white individuals and/or individuals who lived or were
22 present in predominantly white zip codes. As a result, Plaintiffs and members of the proposed
23 Class have been denied employment, housing, and credit opportunities by Facebook and such
24 Businesses.

CLASS ACTION ALLEGATIONS

1
2 59. **Class definition.** Plaintiffs Mobley, Manriquez, and Onuoha bring each claim set
3 forth herein pursuant to Federal Rules of Civil Procedure 23(a) and (b)(2) and (b)(3), on behalf of
4 the following persons:

5 All African American, Latino, and Asian American Facebook users located within
6 the United States who were interested in receiving or pursuing employment,
7 housing, and credit opportunities, and due to Facebook’s marketing, recruitment,
8 sourcing, advertising, branding, information, and/or hiring services that facially
9 discriminate based on race or national origin or have a disparate impact based on
10 race or national origin, were excluded from receiving marketing, recruitment,
11 sourcing, advertising, branding, information, and/or hiring advertisements for
12 housing, employment, or credit opportunities at any time from the earliest date
13 actionable under the limitations period applicable to the given claim, until the date of
14 judgment in this action.

15 The limitations period for each claim is set forth below, within the allegations for each claim.

16 60. Not included in the Class are the following individuals and/or entities: Facebook’s
17 officers and directors and all judges assigned to hear any aspect of this litigation, as well as their
18 staffs and immediate family members.

19 61. **Numerosity.** The class is so numerous that joinder of all members is impracticable.
20 The exact size of the class is not known. Upon information and belief, the class consists of millions
21 of Facebook users, and those users are geographically dispersed throughout the United States.

22 62. According to Facebook, there are nearly 26 million Facebook users whom Facebook
23 identifies as “African American (US)” or having an affinity as African American; more than 8
24 million Facebook users whom Facebook identifies as “Asian American (US)” or having an affinity
as Asian American; more than 32 million Facebook users whom Facebook identifies as “Hispanic
(US – All)” or having an affinity as Hispanic.

 63. **Commonality.** There are numerous questions of law or fact that are common to the
class members. Upon information and belief, the class members were subjected to and injured by
Facebook’s same pattern, practice, or policy of providing marketing, recruitment, sourcing,

1 advertising, branding, information, and/or hiring services for and on behalf of Businesses that seek
2 applicants for employment, housing, and credit opportunities via Facebook and that employ
3 Facebook's targeting tools to exclude which Facebook customers will receive such marketing,
4 recruitment, sourcing, advertising, branding, information, and/or hiring advertisements for
5 employment, housing, and credit opportunities based expressly on race or national origin of the
6 Facebook user or based on facially neutral characteristics of the Facebook user that have a disparate
7 impact on African American, Latino, Asian American, and other non-white persons, including the
8 location of the Facebook user and the user's similarity to the company's existing customers. The
9 questions of law or fact that are common to the class members include:

- 10 (a) Did Facebook on a nationwide basis provide marketing, recruitment, sourcing,
11 advertising, branding, information, and/or hiring services to employers, housing
12 providers, and credit providers that limit which Facebook users will receive
13 advertisements based on their race, national origin, or location.
- 14 (b) Did Plaintiffs and other members or the proposed Class receive fewer Facebook
15 advertisements for employment, housing, and/or credit opportunities because of their
16 race or national origin, perceived race or national origin, or location.
- 17 (c) Whether Facebook's pattern or practice constitutes unlawful disparate treatment
18 against African Americans, Latinos, Asian Americans, and other non-white
19 individuals in the marketing or recruitment of applicants for employment, housing,
20 and credit opportunities in violation of Title VII, the Fair Housing Act, the Equal
21 Credit Opportunity Act, Section 1981, Section 1982, the California Fair
22 Employment and Housing Act, and the California Unruh Civil Rights Act.
- 23 (d) Whether Facebook's pattern or practice constitutes publishing a notice or
24 advertisement relating to employment, housing, or credit that indicates a preference

1 or discrimination based on race or national origin in violation of Title VII, the Fair
2 Housing Act, the Equal Credit Opportunity Act, and the California Fair Employment
3 and Housing Act.

4 (e) Whether Facebook's pattern or practice constitutes unlawful disparate impact
5 discrimination against African Americans, Latinos, Asian Americans, and other non-
6 white individuals in the marketing or recruitment of applicants for employment,
7 housing, and credit opportunities in violation of Title VII, the Fair Housing Act, the
8 Equal Credit Opportunity Act, Section 1982, and the California Fair Employment
9 and Housing Act.

10 (f) The types of injunctive and/or declaratory relief that should be ordered with respect
11 to Facebook's past and ongoing pattern or practice.

12 (g) The types and amounts of damages that should be awarded to Plaintiffs and the
13 members of the Proposed Class.

14 64. **Typicality.** The claims of the Named Plaintiffs are typical of the claims of the
15 Plaintiff class they seek to represent. The claims of the Named Plaintiffs arise from the same
16 pattern or practice and rely upon the same legal theories that the challenged pattern or practice
17 violates a variety of federal and state civil rights statutes.

18 65. **Adequacy.** The Named Plaintiffs will adequately represent the members of the
19 Class, do not have any conflicts with the other class members, and are represented by experienced
20 counsel who have substantial experience in employment discrimination, fair housing, and credit
21 discrimination class action litigation and who will vigorously prosecute the action on behalf of the
22 class.

23 66. **Predominance.** The questions of law and fact common to the members of the class
24 predominate over questions affecting individual class members, and a class action is superior to

1 other available methods for the fair and efficient resolution of this controversy.

2 67. **Superiority.** By resolving the common issues described above in a single class
3 proceeding, each member of the proposed class will receive a determination of whether Facebook
4 engaged in a pattern, practice, or policy of providing marketing, recruitment, sourcing, advertising,
5 branding, information, and/or hiring services for and on behalf of Businesses that seek applicants
6 for employment, housing, and credit opportunities via Facebook and that employ Facebook's
7 targeting tools to exclude which Facebook customers will receive such marketing, recruitment,
8 sourcing, advertising, branding, information, and/or hiring advertisements for employment,
9 housing, and credit opportunities based expressly on race or national origin of the Facebook user
10 and based on facially neutral characteristics of the Facebook user that have a disparate impact on
11 African American, Latino, Asian American, and other non-white persons, including the location of
12 the Facebook user and the user's similarity to the company's existing customers, and whether that
13 pattern, practice, or policy violated federal and/or state law. Members of the class do not have a
14 significant interest in individually controlling the prosecution of separate actions. Other than this
15 action, no litigation concerning Facebook's pattern or practice has been commenced by any
16 member of the class.

17 68. **Manageability.** Concentration of the litigation in this forum is desirable, as this
18 action challenges a company-wide practice, it will benefit the class members to have all of the class
19 members' claims adjudicated in a single proceeding, and Facebook's Statement of Rights and
20 Responsibilities requires all Facebook users to file suit in this District. This class action can be
21 managed without undue difficulty.

COUNTS

FIRST COUNT:

Cal. Bus. & Prof. Code §17200, et seq.

(Unfair Competition Violation of California’s Unfair Competition Law)

69. Plaintiffs repeat and incorporate the allegations contained in the foregoing paragraphs as if fully set forth herein.

70. Unfair practices prohibited by the UCL include “any unlawful, unfair or fraudulent business act or practice.” Cal. Bus. & Prof. Code § 17200.

71. Facebook committed unlawful and unfair business practices, including but not limited to discriminating against Plaintiffs and Class Members because of their race or national origin in violation of the FEHA’s employment discrimination and housing accommodations provisions. Accordingly, Plaintiffs and Class Members have suffered injury in fact.

72. Facebook’s conduct alleged herein occurred during the four years preceding the filing of this complaint.

73. Facebook unfairly obtained profits as a direct and proximate result of its unlawful conduct alleged herein. Plaintiffs and Class Members are therefore entitled to disgorgement by Facebook of those profits.

74. Facebook committed the unlawful actions herein despicably, maliciously, fraudulently, and oppressively, with the wrongful intention of injuring Plaintiffs and Class Members, from an improper and evil motive amounting to malice, and in conscious disregard of the rights of Plaintiffs and Class Members. Plaintiffs and Class Members are therefore entitled to recover punitive damages from Defendants in an amount according to proof.

75. Plaintiffs and Class Members are entitled to declaratory relief declaring that Facebook’s pattern or practice of providing marketing, recruitment, sourcing, advertising, branding, information, and/or hiring services for and on behalf of Businesses that seek applicants for

1 employment and housing opportunities via Facebook and that employ Facebook’s targeting tools to
2 exclude which Facebook customers will receive such marketing, recruitment, sourcing, advertising,
3 branding, information, and/or hiring advertisements for employment and housing opportunities
4 based expressly on the race or national origin (or perceived race or national origin) of the Facebook
5 user and based on facially neutral characteristics of the Facebook user that have a disparate impact
6 on African Americans, Latinos, Asian Americans, and other non-white individuals, including the
7 location of the Facebook user (as specific as the person’s zip code) and the user’s similarity to the
8 company’s existing customers is unlawful and appropriate injunctive relief.

9 76. The limitations period for Plaintiffs’ California UCL claims is four years. Cal. Bus.
10 & Prof. Code § 17208.

11 **SECOND COUNT:**
12 **Cal. Civil Code § 51(b)**
13 **California Unruh Civil Rights Act**
14 **(Employment, Housing and Credit Discrimination; Intentional Discrimination)**

15 77. Plaintiffs repeat and incorporate the allegations contained in the foregoing
16 paragraphs as if fully set forth herein.

17 78. The California Unruh Civil Rights Act provides in part: “All persons within the
18 jurisdiction of this state are free and equal, and no matter what their . . . race . . . [or national origin .
19 . . are entitled to the full and equal . . . advantages, . . . , privileges, or services in all business
20 establishments of every kind whatsoever.” Cal. Civil Code § 51(b).

21 79. Upon information and belief, by engaging in a pattern or practice of providing
22 marketing, recruitment, sourcing, advertising, branding, information, and/or hiring services for and
23 on behalf of Businesses that seek applicants for employment, housing, and credit opportunities via
24 Facebook and that employ Facebook’s targeting tools to exclude which Facebook customers will
receive such marketing, recruitment, sourcing, advertising, branding, information, and/or hiring
advertisements for employment, housing, and credit opportunities based expressly on race or

1 national origin of the Facebook user, Facebook has intentionally discriminated against African
2 Americans, Latinos, Asian Americans, and other non-white individuals based on race or national
3 origin in violation the Unruh Civil Rights Act's prohibition against discrimination based on race or
4 national origin in the advantages, privileges, or services of all business establishments.

5 80. Furthermore, Facebook's pattern or practice of providing marketing, recruitment,
6 sourcing, advertising, branding, information, and/or hiring services for and on behalf of Businesses
7 that market and recruit applicants for employment, housing, and credit opportunities via Facebook
8 and that use Facebook's targeting tools to exclude which Facebook customers based on a racial or
9 ethnic group that Facebook knows or believes the user has an affinity for, is a member of, or
10 otherwise likes constitutes disparate treatment, race- or national origin-based stereotyping, and
11 associational discrimination based on race or national origin, in violation of the Unruh Civil Rights
12 Act.

13 81. Upon information and belief, due to Facebook's pattern or practice Plaintiffs and
14 members of the putative class have been denied the opportunity to receive the same advantages,
15 privileges, and services related to employment, housing, and credit opportunities that Facebook
16 provided to similarly situated white potential applicants for such opportunities, and accordingly
17 suffered economic and non-economic harm.

18 82. The limitations period for Plaintiffs' California Unruh Civil Rights Act claims is
19 three years.

20 **THIRD COUNT:**

21 **Gov. Code § 12940(d), (k), & (i), and §12955(a), (c), (k), (g), (j)**
22 **Cal. Fair Employment and Housing Act**
(Employment and Housing Discrimination)

23 **A. FEHA Liability for an Employment Agency or for Aiding and Abetting**
Employers

24 83. Plaintiffs repeat and incorporate the allegations contained in the foregoing

1 paragraphs as if fully set forth herein.

2 84. Upon information and belief, by engaging in a pattern or practice of providing
3 marketing, recruitment, sourcing, advertising, branding, information, and/or hiring services for and
4 on behalf of Businesses that seek applicants for employment, housing, and credit opportunities via
5 Facebook and that employ Facebook's targeting tools to exclude which Facebook customers will
6 receive such marketing, recruitment, sourcing, advertising, branding, information, and/or hiring
7 advertisements for employment, housing, and credit opportunities based expressly on the race or
8 national origin (or perceived race or national origin) of the Facebook user and based on facially
9 neutral characteristics of the Facebook user that have a disparate impact on African Americans,
10 Latinos, Asian Americans, and other non-white individuals, including the location of the Facebook
11 user (as specific as the person's zip code) and the user's similarity to the company's existing
12 customers, Facebook, an employment agency and a person who has aided and abetted employers,
13 has violated the California FEHA, Gov. Code §12940(d), (k), & (i), and §12955(a), (c), (k), (g), (j).

14 85. The California FEHA provides that "It is an unlawful employment practice . . . For
15 an employer [or] employment agency . . . to fail to take all reasonable steps necessary to prevent
16 discrimination and harassment from occurring." Gov. Code § 12940(k).

17 86. Facebook is an "employment agency" under FEHA, as Facebook is "any person
18 [who] undertak[es] for compensation to procure employees or opportunities to work," Gov. Code
19 § 12926(e), and "'person' includes one or more . . . corporations." Gov. Code § 12925(d). Upon
20 information and belief, Facebook regularly receives compensation from employers to place
21 advertisements for employers—and provide related marketing, recruitment, sourcing, advertising,
22 branding, information, and/or hiring services to and on behalf of employers—in order to recruit
23 applicants for employment and encourage them to apply for employment with such employers.

24 87. Upon information and belief, by engaging in a pattern or practice of providing

1 marketing, recruitment, sourcing, advertising, branding, information, and/or hiring services for and
2 on behalf of Businesses that seek applicants for employment via Facebook and that use Facebook's
3 targeting tools to exclude which Facebook customers will receive such marketing, recruitment,
4 sourcing, advertising, branding, information, and/or hiring advertisements for employment based
5 expressly on the race or national origin (or perceived race or national origin) of the Facebook user
6 and based on facially neutral characteristics of the Facebook user that have a disparate impact on
7 African Americans, Latinos, Asian Americans, and other non-white individuals, including the
8 location of the Facebook user (as specific as the person's zip code) and the user's similarity to the
9 company's existing customers, Facebook, an employment agency, has failed to take all reasonable
10 steps necessary to prevent discrimination against Plaintiffs.

11 88. Upon information and belief, Plaintiffs were subjected to discrimination, including
12 the receipt of discriminatory publications from and the denial of employment opportunities by
13 employers, due to Facebook's pattern or practice; Facebook failed to take all reasonable steps to
14 prevent discrimination by affirmatively providing employers with marketing and recruitment
15 services that exclude applicants based on race or national origin or perceived race or national origin,
16 or based on facially neutral characteristics that have a disparate impact on African Americans,
17 Latinos, Asian Americans, and other non-white individuals; and Facebook's failure to take such
18 reasonable steps caused Plaintiffs to suffer injury, as Plaintiffs were denied employment
19 opportunities that were extended to similarly situated white persons.

20 89. Upon information and belief, due to Facebook's pattern or practice Plaintiffs and
21 members of the putative class have been denied the opportunity to receive and respond to
22 employment advertisements that Facebook provided to similarly situated white potential applicants,
23 and accordingly suffered economic and non-economic harm.

24 90. The FEHA provides that "It is an unlawful employment practice . . . [f]or any

1 employer or employment agency to print or circulate or cause to be printed or circulated any
2 publication . . . that expresses, directly or indirectly, any limitation, specification, or discrimination
3 as to race [or] national origin . . . or any intent to make any such limitation, specification, or
4 discrimination,” Gov. Code § 12940(d), and that “race” or “national origin” “includes a perception
5 that the person has any of those characteristics or that the person is associated with a person who
6 has, or is perceived to have, any of those characteristics.” Gov. Code § 12926(o).

7 91. Upon information and belief, by engaging in a pattern or practice of providing
8 marketing, recruitment, sourcing, advertising, branding, information, and/or hiring services for and
9 on behalf of Businesses that seek applicants for employment via Facebook and that use Facebook’s
10 targeting tools to exclude which Facebook customers will receive such marketing, recruitment,
11 sourcing, advertising, branding, information, and/or hiring advertisements for employment based
12 expressly on the race or national origin (or perceived race or national origin) of the Facebook user
13 and based on facially neutral characteristics of the Facebook user that have a disparate impact on
14 African Americans, Latinos, Asian Americans, and other non-white individuals, including the
15 location of the Facebook user (as specific as the person’s zip code) and the user’s similarity to the
16 company’s existing customers, Facebook, an employment agency, has printed or published or
17 caused to be published any publication that expresses directly or indirectly a limitation,
18 specification, or discrimination as to race or national origin, or to intend to make such a limitation,
19 specification, or discrimination, and has thereby harmed African American, Latino, Asian American
20 and other non-white individuals who are denied employment opportunities. Gov. Code § 12940(d).

21 92. Furthermore, Facebook’s pattern or practice of providing marketing, recruitment,
22 sourcing, advertising, branding, information, and/or hiring services for and on behalf of Businesses
23 that seek applicants for employment via Facebook and that use Facebook’s targeting tools to
24 exclude which Facebook customers based on a racial or ethnic group that Facebook knows or

1 believes the user has an affinity for, is a member of, or otherwise likes constitutes disparate
2 treatment, race- or national origin-based stereotyping, and associational discrimination based on
3 race or national origin, and unlawful disparate impact discrimination against African American,
4 Latino, Asian American and other non-white individuals in violation of Gov. Code § 12940(d).

5 93. Upon information and belief, due to Facebook’s pattern or practice Plaintiffs and
6 members of the putative class have been denied the opportunity to receive and respond to
7 employment advertisements that Facebook provided to similarly situated white potential applicants,
8 and accordingly suffered economic and non-economic harm.

9 94. The California FEHA provides that “It is an unlawful employment practice . . . [f]or
10 any person to aid, abet, incite, compel, or coerce the doing of any of the acts forbidden under this
11 part, or to attempt to do so.” Gov. Code § 12940(i).

12 95. Upon information and belief, by engaging in a pattern or practice of providing
13 marketing, recruitment, sourcing, advertising, branding, information, and/or hiring services for and
14 on behalf of employers that seek applicants for employment via Facebook and that use Facebook’s
15 targeting tools to exclude which Facebook customers will receive such marketing, recruitment,
16 sourcing, advertising, branding, information, and/or hiring advertisements for employment based
17 expressly on the race or national origin (or perceived race or national origin) of the Facebook user
18 and based on facially neutral characteristics of the Facebook user that have a disparate impact on
19 African Americans, Latinos, Asian Americans, and other non-white individuals, including the
20 location of the Facebook user (as specific as the person’s zip code) and the user’s similarity to the
21 company’s existing customers, Facebook, a “person,” has aided, abetted, incited, compelled, and/or
22 coerced employers into engaging in acts that are forbidden by Cal. Gov. Code §§ 12940(a), (d), and
23 (k).

24 96. Upon information and belief, by engaging in the same pattern or practice, Facebook

1 substantially assisted, solicited, encouraged, and/or coerced employers to engage in discriminatory
2 recruiting and hiring that violates Gov. Code § 12940(a)'s prohibition on employers "because of
3 race [or] national origin" "refus[ing] to hire or employ the person," Gov. Code § 12940(a);
4 Facebook knew that such employers were violating their duties under § 12940(a) to recruit and hire
5 in a non-discriminatory manner; and, as described above, Facebook's own conduct violated the
6 FEHA with respect to potential applicants for employment.

7 97. Upon information and belief, by engaging in the same pattern or practice, Facebook
8 substantially assisted, solicited, encouraged, and/or coerced employers to engage in discriminatory
9 advertising in which the employers "print[ed] or circulate[d] or cause[d] to be printed or circulated
10 any publication, . . . that expresses, directly or indirectly, any limitation, specification, or
11 discrimination as to race [or] national origin . . . or any intent to make any such limitation,
12 specification, or discrimination," in violation of Cal. Gov. Code § 12940(d); Facebook knew that
13 such employers were violating their duties under § 12940(d) to print, circulate, and cause to print or
14 circulate publications that are not discriminatory; and, as described above, Facebook's own conduct
15 violated the FEHA with respect to potential applicants for employment.

16 98. Upon information and belief, by engaging in the same pattern or practice, Facebook
17 substantially assisted, solicited, encouraged, and/or coerced employers to "fail to take all reasonable
18 steps necessary to prevent discrimination [] from occurring," in violation of Cal. Gov. Code
19 § 12940(k); Facebook knew that such employers were violating their duties under § 12940(k) to not
20 take all reasonable steps to prevent discrimination from occurring; and, as described above,
21 Facebook's own conduct violated the FEHA with respect to potential applicants for employment.

22 99. Upon information and belief, due to Facebook's aiding and abetting employers in
23 violating Gov. Code §§ 12940(a), (d) and (k), Plaintiffs and members of the putative class have
24 been denied the opportunity to receive and respond to employment advertisements that Facebook

1 provided to similarly situated white potential applicants, and accordingly suffered economic and
2 non-economic harm.

3 **B. Liability for Violations of FEHA's Housing Provisions**

4 100. Under the California FEHA, "It shall be unlawful . . . For the owner of any housing
5 accommodation to discriminate against or harass any person because of the race [or] national origin
6 . . . of that person." Gov. Code § 12955(a). Under the FEHA's housing accommodations
7 provisions, "'discrimination' includes refusal to sell, rent, or lease housing accommodations;
8 includes refusal to negotiate for the sale, rental, or lease of housing accommodations; includes
9 representation that a housing accommodation is not available for inspection, sale, or rental when
10 that housing accommodation is in fact so available; includes any other denial or withholding of
11 housing accommodations; . . . includes the provision of segregated or separated housing
12 accommodations[.]" Gov. Code § 12927(c)(1). The term "'Owner' includes the agent, broker, or
13 salesperson of the housing accommodations. Gov. Code. § 12927(d).

14 101. The FEHA also makes it unlawful "To otherwise make unavailable or deny a
15 dwelling based on discrimination because of race [or] national origin[.]" Gov. Code § 12955(k).

16 102. Upon information and belief, by engaging in a pattern or practice of providing
17 marketing, recruitment, sourcing, advertising, branding, information, and/or hiring services for and
18 on behalf of Businesses that market and recruit applicants for housing accommodations via
19 Facebook and that use Facebook's targeting tools to exclude which Facebook customers will
20 receive such marketing, recruitment, sourcing, advertising, branding, information, and/or hiring
21 advertisements for housing accommodations based expressly on the race or national origin (or
22 perceived race or national origin) of the Facebook user and based on facially neutral characteristics
23 of the Facebook user that have a disparate impact on African Americans, Latinos, Asian Americans,
24 and other non-white individuals, including the location of the Facebook user (as specific as the

1 person's zip code) and the user's similarity to the Businesses' existing customers, Facebook, an
2 agent or salesperson of housing accommodations, has refused to sell, rent, or lease housing
3 accommodations, has represented that housing accommodations are not available for inspection,
4 sale or rental when they are, in fact, so available, has otherwise denied or withheld housing
5 accommodations, and has provided segregated or housing accommodations in violation of
6 § 12927(c)(1), and has otherwise made unavailable or denied a dwelling because of race or national
7 origin in violation of § 12955(k).

8 103. Upon information and belief, due to Facebook's pattern or practice Plaintiffs and
9 members of the putative class have been denied the opportunity to receive and respond to housing
10 accommodations advertisements that Facebook provided to similarly situated white potential
11 applicants, and accordingly suffered economic and non-economic harm.

12 104. Under the California FEHA, "It shall be unlawful . . . For any person or other
13 organization or entity whose business involves real estate-related transactions to discriminate
14 against any person in making available a transaction, or in the terms and conditions of a transaction,
15 because of race [or] national origin[.]" Gov. Code § 12955(i).

16 105. Facebook is a person "whose business involves real estate-related transactions,"
17 Gov. Code § 12955(i), as Facebook is routinely involved in marketing or advertising loans for
18 "purchasing, constructing, improving, repairing, or maintaining" dwellings and/or marketing or
19 advertising real estate property. Gov. Code § 12927(h)(1).

20 106. Upon information and belief, by engaging in a pattern or practice of providing
21 marketing, recruitment, sourcing, advertising, branding, information, and/or hiring services for and
22 on behalf of Businesses that seek applicants for housing loans via Facebook and that employ
23 Facebook's targeting tools to exclude which Facebook customers will receive such marketing,
24 recruitment, sourcing, advertising, branding, information, and/or hiring advertisements for housing

1 loans based expressly on race or national origin (or perceived race or national origin) of the
2 Facebook user, Facebook has intentionally discriminated against African Americans, Latinos, Asian
3 Americans, and other non-white individuals in violation of Gov. Code § 12955(i), by
4 “discriminat[ing] against any person in making available a [real estate-related] transaction[.]” Gov.
5 Code § 12955(i).

6 107. Upon information and belief, by engaging in a pattern or practice of providing
7 marketing, recruitment, sourcing, advertising, branding, information, and/or hiring services for and
8 on behalf of Businesses that seek applicants for housing loans via Facebook and that use
9 Facebook’s targeting tools to exclude which Facebook customers will receive such marketing,
10 recruitment, sourcing, advertising, branding, information, and/or hiring advertisements for housing
11 loans based on facially neutral characteristics of the Facebook user that have a disparate impact on
12 African Americans, Latinos, Asian Americans, and other non-white individuals, including the
13 location of the Facebook user (as specific as the person’s zip code) and the user’s similarity to the
14 company’s existing customers, Facebook, has engaged in disparate impact discrimination in
15 violation of Gov. Code § 12955(i), by “discriminat[ing] against any person in making available a
16 [real estate-related] transaction[.]” Gov. Code § 12955(i).

17 108. Upon information and belief, Facebook could have adopted a less discriminatory
18 alternative practice to target potential applicants for housing loans, such as limiting any geographic
19 targeting to the relevant housing market and/or prohibiting the providers of housing loans from
20 targeting their advertisements to specific zip codes.

21 109. Furthermore, Facebook’s pattern or practice of providing marketing, recruitment,
22 sourcing, advertising, branding, information, and/or hiring services for and on behalf of Businesses
23 that seek applicants for housing loans via Facebook and that use Facebook’s targeting tools to
24 exclude which Facebook customers based on a racial or ethnic group that Facebook knows or

1 believes the user has an affinity for, is a member of, or otherwise likes constitutes disparate
2 treatment, race- or national origin-based stereotyping, and associational discrimination based on
3 race or national origin, and unlawful disparate impact discrimination against African American,
4 Latino, Asian American and other non-white individuals in violation of Gov. Code § 12955(i).

5 110. Upon information and belief, due to Facebook’s pattern or practice Plaintiffs and
6 members of the putative class have been denied the opportunity to receive and respond to housing
7 loan opportunities and information that Facebook provided to similarly situated white potential
8 applicants, and accordingly suffered economic and non-economic harm.

9 111. Under the California FEHA, “It shall be unlawful . . . To deny a person access to, or
10 membership or participation in, a multiple listing service, real estate brokerage organization, or
11 other service because of race [or] national origin[.]” Gov. Code § 12955(j).

12 112. Upon information and belief, by engaging in a pattern or practice of providing
13 marketing, recruitment, sourcing, advertising, branding, information, and/or hiring services for and
14 on behalf of Businesses that seek applicants for housing accommodations via Facebook and that use
15 Facebook’s targeting tools to exclude which Facebook customers will receive such marketing,
16 recruitment, sourcing, advertising, branding, information, and/or hiring advertisements for housing
17 accommodations based expressly on the race or national origin (or perceived race or national
18 origin) of the Facebook user and based on facially neutral characteristics of the Facebook user that
19 have a disparate impact on African Americans, Latinos, Asian Americans, and other non-white
20 individuals, including the location of the Facebook user (as specific as the person’s zip code) and
21 the user’s similarity to the company’s existing customers, Facebook has denied “access to . . . or
22 participation in” an “other service because of race [or] national origin” in violation of Gov. Code
23 § 12955(j).

24 113. Upon information and belief, due to Facebook’s pattern or practice Plaintiffs and

1 members of the putative class have been denied the opportunity to receive and respond to housing
2 opportunities and information that Facebook provided to similarly situated white potential
3 applicants, and accordingly suffered economic and non-economic harm.

4 114. Under the California FEHA, “It shall be unlawful . . . For any person to aid, abet,
5 incite, compel, or coerce the doing of any of the acts or practices declared unlawful in this section,
6 or to attempt to do so.” Gov. Code § 12955(g).

7 115. Upon information and belief, by engaging in a pattern or practice of providing
8 marketing, recruitment, sourcing, advertising, branding, information, and/or hiring services for and
9 on behalf of Businesses that seek applicants for housing accommodations and/or housing loans via
10 Facebook and that use Facebook’s targeting tools to exclude which Facebook customers will
11 receive such marketing, recruitment, sourcing, advertising, branding, information, and/or hiring
12 advertisements for housing accommodations and/or housing loans based expressly on the race or
13 national origin (or perceived race or national origin) of the Facebook user and based on facially
14 neutral characteristics of the Facebook user that have a disparate impact on African Americans,
15 Latinos, Asian Americans, and other non-white individuals, including the location of the Facebook
16 user (as specific as the person’s zip code) and the user’s similarity to the Businesses’ existing
17 customers, Facebook, a “person,” has aided, abetting, incited, compelled and/or coerced other
18 Businesses and persons in doing acts or practices that are unlawful under Gov. Code §12955(a), (c),
19 (i), (j), (k).

20 116. Upon information and belief, by engaging in the same pattern or practice, Facebook
21 substantially assisted, solicited, encouraged, and/or coerced other Businesses and persons to make,
22 print, or publish or cause to be made, printed, or published notices, statements, and/or
23 advertisements with respect to the sale or rental of a housing accommodation that indicate a
24 preference, limitation, or discrimination based on race or national origin or an intention to make

1 such a preference, limitation, or discrimination in violation of Gov. Code § 12955(c); Facebook
2 knew that such Businesses or persons were violating their duties under § 12955(c); and, as
3 described above, Facebook’s own conduct violated the FEHA with respect to potential applicants
4 for housing opportunities.

5 117. Upon information and belief, by engaging in the same pattern or practice, Facebook
6 substantially assisted, solicited, encouraged, and/or coerced other Businesses, persons, and other
7 owners of housing to “discriminate against . . . any person because of the race [or] national origin . .
8 . of that person” in violation of Gov. Code § 12955(a) and “make unavailable or deny a dwelling
9 based on discrimination because of race [or] national origin” in violation of Gov. Code. § 12955(a);
10 Facebook knew that such Businesses or persons were violating their duties under §12955(a) and
11 (k); and, as described above, Facebook’s own conduct violated the FEHA with respect to potential
12 applicants for housing opportunities.

13 118. Upon information and belief, by engaging in the same pattern or practice, Facebook
14 substantially assisted, solicited, encouraged, and/or coerced other Businesses and persons to
15 “discriminate against any person in making available a transaction, or in the terms and conditions of
16 a [real estate-related] transaction, because of race [or] national origin” in violation of Gov. Code
17 § 12955(i); Facebook knew that such Businesses or persons were violating their duties under
18 § 12955(i); and, as described above, Facebook’s own conduct violated the FEHA with respect to
19 potential applicants for housing opportunities, including real estate-related transactions; and, as
20 described above, Facebook’s own conduct violated the FEHA with respect to potential applicants
21 for housing opportunities.

22 119. Upon information and belief, by engaging in the same pattern or practice, Facebook
23 substantially assisted, solicited, encouraged, and/or coerced other Businesses and persons to “deny
24 a person access to, or membership or participation in” a “service because of race [or] national origin

1 in violation of Gov. Code § 12955(j); Facebook knew that such Businesses or persons were
2 violating their duties under § 12955(j); and, as described above, Facebook’s own conduct violated
3 the FEHA with respect to potential applicants for housing opportunities; and, as described above,
4 Facebook’s own conduct violated the FEHA with respect to potential applicants for housing
5 opportunities.

6 120. Upon information and belief, due to Facebook’s aiding and abetting other
7 Businesses, persons, and owners of housing accommodations in violating Gov. Code § 12955(a),
8 (c), (i), (j), and (k), Plaintiffs and members of the putative class have been denied the opportunity to
9 receive and respond to housing, real-estate related, and housing loan advertisements that Facebook
10 provided to similarly situated white potential applicants, and accordingly suffered economic and
11 non-economic harm.

12 121. The limitations period for Plaintiffs’ FEHA employment discrimination claims is
13 one year prior to the date of the Complaint, and the limitations period for Plaintiffs’ FEHA
14 employment discrimination claims is two years prior to the date of the filing of the Complaint.
15 Gov. Code. § 12960(d); Gov. Code. § 12989.1.

16 **FOURTH COUNT:**
17 **Section 1981, 42 U.S.C. § 1981(a)**
18 **Discrimination in Contracts Relating to Employment, Housing, and Credit**
19 **(Disparate Treatment)**

20 122. Plaintiffs repeat and incorporate the allegations contained in the foregoing
21 paragraphs as if fully set forth herein.

22 123. Section 1981 provides that “All persons within the jurisdiction of the United States
23 shall have the same right in every State and Territory to make and enforce contracts, to sue, be
24 parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security
of persons and property as is enjoyed by white citizens, and shall be subject to like punishment,
pains, penalties, taxes, licenses, and exactions of every kind, and to no other.” 42 U.S.C. § 1981(a).

1 124. Upon information and belief, by engaging in a pattern or practice of providing
2 marketing, recruitment, sourcing, advertising, branding, information, and/or hiring services for and
3 on behalf of Businesses that seek applicants for employment, housing, and credit opportunities via
4 Facebook and that employ Facebook’s targeting tools to exclude which Facebook customers will
5 receive such marketing, recruitment, sourcing, advertising, branding, information, and/or hiring
6 advertisements for employment, housing, and credit opportunities based expressly on race of the
7 Facebook user, Facebook has intentionally discriminated against African Americans, Latinos, Asian
8 Americans, and other non-white individuals based on race in violation of Section 1981’s
9 prohibition on denying non-white citizens an equal right “to make and enforce contracts.” 42 U.S.C.
10 § 1981(a).

11 125. Furthermore, Facebook’s pattern or practice of providing marketing, recruitment,
12 sourcing, advertising, branding, information, and/or hiring services for and on behalf of Businesses
13 that seek applicants for employment, housing, and credit opportunities via Facebook and that use
14 Facebook’s targeting tools to exclude which Facebook customers based on a racial or ethnic group
15 that Facebook knows or believes the user has an affinity for, is a member of, or otherwise likes
16 constitutes disparate treatment, race-based stereotyping, and associational discrimination based on
17 race, in violation of 42 U.S.C. § 1981(a).

18 126. Upon information and belief, due to Facebook’s pattern or practice Plaintiffs and
19 members of the putative class have been denied the opportunity to make and enforce contracts
20 relating to employment, housing, and credit that Facebook provided to similarly situated white
21 potential applicants for employment, housing and credit, and accordingly suffered economic and
22 non-economic harm.

23 127. The limitations period for Plaintiffs’ Section 1981 claims is two years.
24

1 individuals, including the location of the Facebook user (as specific as the person’s zip code) and
2 the user’s similarity to the company’s existing customers, Facebook, has engaged in disparate
3 impact discrimination in violation of Section 1982’s prohibition on denying non-white citizens “the
4 same right . . . to purchase, lease, sell, hold and convey real . . . property.” 42 U.S.C. § 1982.

5 132. Furthermore, Facebook’s pattern or practice of providing marketing, recruitment,
6 sourcing, advertising, branding, information, and/or hiring services for and on behalf of Businesses
7 that seek applicants for housing via Facebook and that use Facebook’s targeting tools to exclude
8 which Facebook customers based on a racial or ethnic group that Facebook knows or believes the
9 user has an affinity for, is a member of, or otherwise likes constitutes disparate treatment, race-
10 based stereotyping, and associational discrimination based on race, and unlawful disparate impact
11 discrimination against African American, Latino, Asian American and other non-white individuals
12 in violation of 42 U.S.C. § 1982.

13 133. Upon information and belief, due to Facebook’s pattern or practice Plaintiffs and
14 members of the putative class have been denied the right to purchase, lease, sell, hold, or convey
15 real property that Facebook provided to similarly situated white potential applicants for housing
16 opportunities, and accordingly suffered economic and non-economic harm.

17 134. The limitations period for Plaintiffs’ Section 1982 claims is two years.

18 **SIXTH COUNT:**
19 **Equal Credit Opportunity Act, 15 U.S.C. § 1691(a)**
20 **(Disparate Treatment and Disparate Impact)**

21 135. Plaintiffs repeat and incorporate the allegations contained in the foregoing
22 paragraphs as if fully set forth herein.

23 136. The Equal Credit Opportunity Act provides that “It shall be unlawful for any creditor
24 to discriminate against any applicant, with respect to any aspect of a credit transaction . . . on the
basis of race [or] national origin[.]” 15 U.S.C. § 1691(a).

1 137. Facebook is a “creditor” under the Equal Credit Opportunity Act, as Facebook
2 “regularly arranges for the extension, renewal, or continuation of credit,” 15 U.S.C. § 1691a(e), and
3 “[t]he term ‘person’ means . . . a corporation[.]” 15 U.S.C. § 1691a(f). “[T]he term creditor []
4 includes a person who, in the ordinary course of business, regularly refers applicants or prospective
5 applicants to creditors[.]” 12 C.F.R. § 1002.2(l).

6 138. It is a violation of § 1691(a) for a creditor to “make any oral or written statement,
7 advertising or otherwise, to applicants or prospective applicants that would discourage on a
8 prohibited basis a reasonable person from making or pursuing an application.” 12 C.F.R.
9 § 1002.4(b).

10 139. Upon information and belief, by engaging in a pattern or practice of providing
11 marketing, recruitment, sourcing, advertising, branding, information, and/or hiring services for and
12 on behalf of Businesses that seek applicants for credit transactions via Facebook and that employ
13 Facebook’s targeting tools to exclude which Facebook customers will receive such marketing,
14 recruitment, sourcing, advertising, branding, information, and/or hiring advertisements for credit
15 transactions based expressly on race or national origin of the Facebook user, Facebook has
16 intentionally discriminated against African Americans, Latinos, Asian Americans, and other non-
17 white individuals in violation of 15 U.S.C. § 1691(a) by “discriminat[ing] against any applicant
18 with respect to any aspect of a credit transaction . . . on the basis of race [or] national origin[.]” 15
19 U.S.C. § 1691(a).

20 140. Upon information and belief, by engaging in a pattern or practice of providing
21 marketing, recruitment, sourcing, advertising, branding, information, and/or hiring services for and
22 on behalf of Businesses that market and recruit applicants for credit transactions via Facebook and
23 that use Facebook’s targeting tools to exclude which Facebook customers will receive such
24 marketing, recruitment, sourcing, advertising, branding, information, and/or hiring advertisements

1 for credit transactions based on facially neutral characteristics of the Facebook user that have a
2 disparate impact on African Americans, Latinos, Asian Americans, and other non-white
3 individuals, including the location of the Facebook user (as specific as the person's zip code) and
4 the user's similarity to the Businesses' existing customers, Facebook, has engaged in disparate
5 impact discrimination in violation of 15 U.S.C. § 1691(a) by "discriminat[ing] against any applicant
6 with respect to any aspect of a credit transaction . . . on the basis of race [or] national origin[.]" 15
7 U.S.C. § 1691(a).

8 141. Upon information and belief, Facebook could have adopted a less discriminatory
9 alternative practice to target potential applicants for credit transactions, such as limiting any
10 geographic targeting to the relevant credit market and/or prohibiting creditors from targeting their
11 advertisements to specific zip codes.

12 142. Furthermore, Facebook's pattern or practice of providing marketing, recruitment,
13 sourcing, advertising, branding, information, and/or hiring services for and on behalf of Businesses
14 that seek applicants for credit opportunities via Facebook and that use Facebook's targeting tools to
15 exclude which Facebook customers based on a racial or ethnic group that Facebook knows or
16 believes the user has an affinity for, is a member of, or otherwise likes constitutes disparate
17 treatment, race- or national origin-based stereotyping, and associational discrimination based on
18 race or national origin, and unlawful disparate impact discrimination against African American,
19 Lation, Asian American and other non-white individuals in violation of 15 U.S.C. § 1691(a).

20 143. Upon information and belief, due to Facebook's pattern or practice Plaintiffs and
21 members of the putative class have been denied the opportunity to receive and respond to credit
22 transaction opportunities that Facebook provided to similarly situated white potential applicants,
23 and accordingly suffered economic and non-economic harm.

24 144. The limitations period for Plaintiffs' ECOA claims is five years prior to the

1 Complaint. 15 U.S.C. § 1691e(f).

2 **SEVENTH COUNT:**
3 **Fair Housing Act, 42 U.S.C. § 3604(a), (c), (d) & § 3605**
4 **(Disparate Treatment and Disparate Impact)**

5 145. Plaintiffs repeat and incorporate the allegations contained in the foregoing
6 paragraphs as if fully set forth herein.

7 146. The Fair Housing Act provides that “it shall be unlawful” “[t]o refuse to sell or rent
8 after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise
9 make unavailable or deny, a dwelling to any person because of race [or] national origin[.]” 42
10 U.S.C. § 3604(a).

11 147. Upon information and belief, by engaging in a pattern or practice of providing
12 marketing, recruitment, sourcing, advertising, branding, information, and/or hiring services for and
13 on behalf of Businesses that seek applicants for the sale or rental of dwellings via Facebook and
14 that employ Facebook’s targeting tools to exclude which Facebook customers will receive such
15 marketing, recruitment, sourcing, advertising, branding, information, and/or hiring advertisements
16 for housing opportunities based expressly on race or national origin of the Facebook user, Facebook
17 has intentionally discriminated against African Americans, Latinos, Asian Americans, and other
18 non-white individuals by refusing to negotiate for the sale or rental of a dwelling or by otherwise
19 making unavailable or denying a dwelling to persons because of race or national origin. 42 U.S.C.
20 § 3604(a).

21 148. Upon information and belief, by engaging in a pattern or practice of providing
22 marketing, recruitment, sourcing, advertising, branding, information, and/or hiring services for and
23 on behalf of Businesses that seek applicants for the sale or rental of dwellings via Facebook and
24 that use Facebook’s targeting tools to exclude which Facebook customers will receive such
marketing, recruitment, sourcing, advertising, branding, information, and/or hiring advertisements

1 for housing opportunities based on facially neutral characteristics of the Facebook user that have a
2 disparate impact on African Americans, Latians, Asian Americans, and other non-white
3 individuals, including the location of the Facebook user (as specific as the person's zip code) and
4 the user's similarity to the company's existing customers, Facebook, has engaged in disparate
5 impact discrimination in violation of Section 3604(a)'s prohibition on refusing to negotiate for the
6 sale or rental of a dwelling or by otherwise making unavailable or denying a dwelling to persons
7 because of race or national origin. 42 U.S.C. § 3604(a).

8 149. Facebook's pattern or practice of expressly excluding non-white individuals from
9 receiving housing advertisements and excluding Facebook users from receiving housing
10 advertisements based on facially neutral characteristics of the Facebook user that have a disparate
11 impact on African Americans, Latinos, Asian Americans, and other non-white individuals
12 "[d]iscourag[es] any person from inspecting, purchasing or renting a dwelling because of race [or]
13 national origin . . . or because of the race [or] national origin of persons in a community,
14 neighborhood or development, 24 C.F.R. § 100.70(c)(1), and involves "[e]mploying codes or other
15 devices to segregate or reject applicants, purchasers or renters, refusing to take or to show listings
16 of dwellings in certain areas because of race [or] national origin," 24 C.F.R. § 100.70(d)(2),
17 practices that violate 42 U.S.C. § 3604(a).

18 150. Upon information and belief, Facebook could have adopted a less discriminatory
19 alternative practice to target potential applicants to purchase or rent a dwelling, such as limiting any
20 geographic targeting to the relevant housing market and/or prohibiting housing providers from
21 targeting housing advertisements to specific zip codes.

22 151. Furthermore, Facebook's pattern or practice of providing marketing, recruitment,
23 sourcing, advertising, branding, information, and/or hiring services for and on behalf of Businesses
24 that seek applicants for housing via Facebook and that use Facebook's targeting tools to exclude

1 which Facebook customers based on a racial or ethnic group that Facebook knows or believes the
2 user has an affinity for, is a member of, or otherwise likes constitutes disparate treatment, race- or
3 national origin-based stereotyping, and associational discrimination based on race or national
4 origin, and unlawful disparate impact discrimination against African American, Latino, Asian
5 American, and other non-white individuals in violation of 42 U.S.C. § 3604(a).

6 152. Upon information and belief, due to Facebook’s pattern or practice Plaintiffs and
7 members of the putative class have been denied the opportunity to receive and respond to housing
8 opportunities that Facebook provided to similarly situated white potential applicants, and
9 accordingly suffered economic and non-economic harm.

10 153. The Fair Housing Act provides that “it shall be unlawful” “[t]o make, print, or
11 publish, or cause to be made, printed, or published any notice, statement, or advertisement, with
12 respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination
13 based on race [or] national origin, . . . or an intention to make any such preference, limitation, or
14 discrimination.” 42 U.S.C. § 3604(c).

15 154. Facebook is a “person” that is subject to the provisions of the Fair Housing Act, as a
16 “‘Person’ includes one or more . . . corporations[.]” 42 U.S.C. § 3602(d).

17 155. Upon information and belief, by engaging in a pattern or practice of providing
18 marketing, recruitment, sourcing, advertising, branding, information, and/or hiring services for and
19 on behalf of Businesses that seek applicants for sale and rental dwellings via Facebook and that use
20 Facebook’s targeting tools to exclude which Facebook customers will receive such marketing and
21 recruitment advertisements for sale and rental dwellings based expressly on the race or national
22 origin of the Facebook user and based on facially neutral characteristics of the Facebook user that
23 have a disparate impact on African Americans, Latinos, Asian Americans, and other non-white
24 individuals, including the location of the Facebook user (as specific as the person’s zip code) and

1 the user's similarity to the company's existing customers, Facebook has made, printed, published,
2 or caused to be published notices, statements, and/or advertisements that indicate a preference,
3 limitation, and/or discrimination based on race or national origin or an intention to make such
4 preference, limitation, or discrimination. 42 U.S.C. § 3604(c).

5 156. Under HUD's regulations, the prohibitions of 42 U.S.C. § 3604(c) "apply to all
6 written or oral notices or statements by a person engaged in the sale or rental of a dwelling," and
7 "include any applications, flyers, brochures, deeds, signs, banners, posters, billboards or any
8 documents used with respect to the sale or rental of a dwelling." 24 C.F.R. § 100.75(b).

9 157. "Discriminatory notices, statements, and advertisements, include . . . Selecting media
10 or locations for advertising the sale or rental of dwellings which deny particular segments of the
11 housing market information about housing opportunities because of race [or] national origin[.]" 24
12 C.F.R. § 100.75(c)(3). Facebook's pattern or practice of expressly excluding non-white individuals
13 from receiving housing advertisements and excluding Facebook users from receiving housing
14 advertisements based on facially neutral characteristics of the Facebook user that have a disparate
15 impact on African Americans, Latinos, Asian Americans, and other non-white individuals involves
16 "selecting locations for advertising the sale or rental of dwellings that denies" these "segments of
17 the housing market information about housing opportunities because of race [or] national origin[.]"
18 *Id.* In addition, the same pattern or practice involves "[r]efusing to publish advertising for the sale
19 or rental of dwellings . . . because of race [or] national origin," another practice that violates 42
20 U.S.C. § 3604(c). 24 C.F.R. § 100.75(c)(4).

21 158. Furthermore, Facebook's pattern or practice of providing marketing, recruitment,
22 sourcing, advertising, branding, information, and/or hiring services for and on behalf of Businesses
23 that seek applicants for housing via Facebook and that use Facebook's targeting tools to exclude
24 which Facebook customers based on a racial or ethnic group that Facebook knows or believes the

1 user has an affinity for, is a member of, or otherwise likes constitutes disparate treatment, race- or
2 national origin-based stereotyping, and associational discrimination based on race or national
3 origin, and unlawful disparate impact discrimination against African American, Latino, Asian
4 American, and other non-white individuals in violation of 42 U.S.C. § 3604(c).

5 159. Upon information and belief, due to Facebook’s pattern or practice Plaintiffs and
6 members of the putative class have been denied the opportunity to receive and respond to housing
7 advertisements that Facebook provided to similarly situated white potential applicants, and
8 accordingly suffered economic and non-economic harm.

9 160. The Fair Housing Act provides that “it shall be unlawful” “[t]o represent to any
10 person because of race [or] national origin . . . that any dwelling is not available for inspection, sale,
11 or rental when such dwelling is in fact so available.” 42 U.S.C. § 3604(d).

12 161. Section 3604(d) makes it unlawful “to provide inaccurate . . . information about the
13 availability of dwellings for sale or rental,” 24 C.F.R. § 100.80(a), and prohibits the “[l]imiting
14 information, by word or conduct, regarding suitably priced dwellings available for inspection, sale
15 or rental, because of race [or] national origin.” 24 C.F.R. § 100.80(b)(4).

16 162. Upon information and belief, by engaging in a pattern or practice of providing
17 marketing, recruitment, sourcing, advertising, branding, information, and/or hiring services for and
18 on behalf of Businesses that seek applicants for the sale or rental of dwellings via Facebook and
19 that employ Facebook’s targeting tools to exclude which Facebook customers will receive such
20 marketing, recruitment, sourcing, advertising, branding, information, and/or hiring advertisements
21 for housing opportunities based expressly on race or national origin of the Facebook user, Facebook
22 has intentionally discriminated against African Americans, Latinos, Asian Americans, and other
23 non-white individuals in violation of 42 U.S.C. § 3604(d) by limiting information by words and
24 conduct regarding suitably priced dwellings for sale or rental because of race or national origin. 24

1 C.F.R. § 100.80(b)(4).

2 163. Upon information and belief, by engaging in a pattern or practice of providing
3 marketing, recruitment, sourcing, advertising, branding, information, and/or hiring services for and
4 on behalf of Businesses that seek applicants for the sale or rental of dwellings via Facebook and
5 that use Facebook's targeting tools to exclude which Facebook customers will receive such
6 marketing, recruitment, sourcing, advertising, branding, information, and/or hiring services
7 advertisements for housing opportunities based on facially neutral characteristics of the Facebook
8 user that have a disparate impact on African Americans, Latinos, Asian Americans, and other non-
9 white individuals, including the location of the Facebook user (as specific as the person's zip code)
10 and the user's similarity to the company's existing customers, Facebook, has engaged in disparate
11 impact discrimination in violation of 42 U.S.C. § 3604(d) by limiting information by words and
12 conduct regarding suitably priced dwellings for sale or rental because of race national origin. 24

13 C.F.R. § 100.80(b)(4).

14 164. Upon information and belief, Facebook could have adopted a less discriminatory
15 alternative practice to target potential applicants to purchase or rent a dwelling, such as limiting any
16 geographic targeting to the relevant housing market and/or prohibiting housing providers from
17 targeting housing advertisements to specific zip codes.

18 165. Furthermore, Facebook's pattern or practice of providing marketing, recruitment,
19 sourcing, advertising, branding, information, and/or hiring services for and on behalf of Businesses
20 that seek applicants for housing via Facebook and that use Facebook's targeting tools to exclude
21 which Facebook customers based on a racial or ethnic group that Facebook knows or believes the
22 user has an affinity for, is a member of, or otherwise likes constitutes disparate treatment, race- or
23 national origin-based stereotyping, and associational discrimination based on race or national
24 origin, and unlawful disparate impact discrimination against African American, Latino, Asian

1 American and other non-white individuals in violation of 42 U.S.C. § 3604(d).

2 166. Upon information and belief, due to Facebook’s pattern or practice Plaintiffs and
3 members of the putative class have been denied the opportunity to receive and respond to housing
4 opportunities that Facebook provided to similarly situated white potential applicants, and
5 accordingly suffered economic and non-economic harm.

6 167. The Fair Housing Act provides that “It shall be unlawful for any person or other
7 entity whose business includes engaging in residential real estate-related transactions to
8 discriminate against any person in making available such a transaction[.]” 42 U.S.C. § 3605(s).

9 168. Facebook is also a person “whose business includes engaging in residential real
10 estate-related transactions,” 42 U.S.C. § 3605(a), as Facebook is routinely involved in marketing or
11 advertising loans for “purchasing, constructing, improving, repairing, or maintaining” dwellings
12 and/or marketing or advertising residential real property. 42 U.S.C. § 3605(b).

13 169. Upon information and belief, by engaging in a pattern or practice of providing
14 marketing, recruitment, sourcing, advertising, branding, information, and/or hiring services for and
15 on behalf of Businesses that seek applicants for residential housing loans via Facebook and that
16 employ Facebook’s targeting tools to exclude which Facebook customers will receive such
17 marketing, recruitment, sourcing, advertising, branding, information, and/or hiring services
18 advertisements for residential housing loans based expressly on race or national origin of the
19 Facebook user, Facebook has intentionally discriminated against African Americans, Latinos, Asian
20 Americans and other non-white individuals in violation of 42 U.S.C. § 3605(a) by “discriminat[ing]
21 against any person in making available” “residential real estate-related transactions[.]” 42 U.S.C.
22 § 3605(a).

23 170. Upon information and belief, by engaging in a pattern or practice of providing
24 marketing, recruitment, sourcing, advertising, branding, information, and/or hiring services for and

1 on behalf of Businesses that seek applicants for residential housing loans via Facebook and that use
2 Facebook's targeting tools to exclude which Facebook customers will receive such marketing,
3 recruitment, sourcing, advertising, branding, information, and/or hiring services advertisements for
4 residential housing loans based on facially neutral characteristics of the Facebook user that have a
5 disparate impact on African Americans, Latinos, Asian Americans, and other non-white
6 individuals, including the location of the Facebook user (as specific as the person's zip code) and
7 the user's similarity to the company's existing customers, Facebook, has engaged in disparate
8 impact discrimination in violation of 42 U.S.C. § 3605(a) by "discriminat[ing] against any person in
9 making available" "residential real estate-related transactions[.]" 42 U.S.C. § 3605(a).

10 171. Facebook's pattern or practice of expressly excluding non-white individuals from
11 receiving residential housing loans and excluding Facebook users from receiving residential
12 housing loans based on facially neutral characteristics of the Facebook user that have a disparate
13 impact on African Americans, Latinos, Asian Americans, and other non-white individuals violates
14 42 U.S.C. § 3605(a), because such pattern or practice constitutes "[f]ailing or refusing to provide to
15 any person information regarding the availability of loans or other financial assistance, application
16 requirements, procedures or standards for the review and approval of loans or financial assistance,
17 or providing information which is inaccurate or different from that provided others, because of race
18 [or] national origin," 24 C.F.R. § 100.120(b)(1), and constitutes the "failing to provide . . . the
19 receipt of loans or other financial assistance in a manner that . . . discriminates in their availability
20 because of race [or] national origin[.]" 24 C.F.R. § 100.120(b)(2).

21 172. Upon information and belief, Facebook could have adopted a less discriminatory
22 alternative practice to target potential applicants for residential housing loans, such as limiting any
23 geographic targeting to the relevant housing market and/or prohibiting the providers of residential
24 housing loans from targeting their advertisements to specific zip codes.

1 173. Furthermore, Facebook’s pattern or practice of providing marketing, recruitment,
2 sourcing, advertising, branding, information, and/or hiring services for and on behalf of Businesses
3 that seek applicants for residential housing loans via Facebook and that use Facebook’s targeting
4 tools to exclude which Facebook customers based on a racial or ethnic group that Facebook knows
5 or believes the user has an affinity for, is a member of, or otherwise likes constitutes disparate
6 treatment, race- or national origin-based stereotyping, and associational discrimination based on
7 race or national origin, and unlawful disparate impact discrimination against African American,
8 Latino, Asian American, and other non-white individuals in violation of 42 U.S.C. § 3605(a).

9 174. Upon information and belief, due to Facebook’s pattern or practice Plaintiffs and
10 members of the putative class have been denied the opportunity to receive and respond to
11 residential housing loan opportunities and information that Facebook provided to similarly situated
12 white potential applicants, and accordingly suffered economic and non-economic harm.

13 175. The limitations period for Plaintiffs’ FHA claims is two years prior to the Complaint.
14 42 U.S.C. § 3613(a)(1).

15 **EIGHTH COUNT:**
16 **Title VII of the Federal Civil Rights Act, 42 U.S.C. § 2000e-2(b) & § 2000e-3(b)**
17 **(Disparate Treatment and Disparate Impact)**

18 176. Plaintiffs repeat and incorporate the allegations contained in the foregoing
19 paragraphs as if fully set forth herein.

20 177. Title VII provides that “It shall be an unlawful employment practice for an
21 employment agency to fail or refuse to refer for employment, or otherwise to discriminate against,
22 any individual because of his race [or] national origin . . . or to classify or refer for employment any
23 individual on the basis of his race [or] national origin.” 42 U.S.C. § 2000e-2(b).

24 178. As described above, Facebook is an employment agency within the meaning of Title
VII, 42 U.S.C. § 2000e(c), as it regularly receives compensation from employers to place

1 advertisements—and provide related marketing, recruitment, sourcing, advertising, branding,
2 information, and/or hiring services—for employers to recruit applicants for employment and
3 encourage them to apply for employment with such employers.

4 179. Upon information and belief, by engaging in a pattern or practice of providing
5 marketing, recruitment, sourcing, advertising, branding, information, and/or hiring services for and
6 on behalf of Businesses that seek applicants for employment via Facebook and that use Facebook’s
7 targeting tools to exclude which Facebook customers will receive such marketing and recruitment
8 advertisements for employment based expressly on the race or national origin of the Facebook user,
9 Facebook, an employment agency, has intentionally discriminated against African Americans,
10 Latinos, Asian Americans, and other non-white Americans by failing or refusing to refer for
11 employment, otherwise discriminating against and classifying or referring for employment such
12 individuals based on their race or national origin.

13 180. Upon information and belief, by engaging in a pattern or practice of providing
14 marketing, recruitment, sourcing, advertising, branding, information, and/or hiring services for and
15 on behalf of Businesses that seek applicants for employment via Facebook and that use Facebook’s
16 targeting tools to exclude which Facebook customers will receive such marketing, recruitment,
17 sourcing, advertising, branding, information, and/or hiring advertisements for employment based on
18 facially neutral characteristics of the Facebook user that have a disparate impact on African
19 Americans, Latinos, Asian Americans, and other non-white individuals, including the location of
20 the Facebook user (as specific as the person’s zip code) and the user’s similarity to the company’s
21 existing customers, Facebook, has engaged in disparate impact discrimination resulting in the
22 failure or refusal to refer for employment, otherwise discriminate, and classify or refer for
23 employment African Americans, Latinos, Asian Americans, and other non-white individuals based
24 on their race or national origin.

1 181. Upon information and belief, Facebook could have adopted alternative employment
2 practices to target potential applicants or employees for employers, such as limiting any geographic
3 targeting to the relevant labor market and/or prohibiting employers from targeting employment
4 advertisements to specific zip codes.

5 182. Furthermore, Facebook’s pattern or practice of providing marketing, recruitment,
6 sourcing, advertising, branding, information, and/or hiring services for and on behalf of Businesses
7 that seek applicants for employment via Facebook and that use Facebook’s targeting tools to
8 exclude which Facebook customers based on a racial or ethnic group that Facebook knows or
9 believes the user has an affinity for, is a member of, or otherwise likes constitutes disparate
10 treatment, race- or national origin-based stereotyping, and associational discrimination based on
11 race or national origin, and unlawful disparate impact discrimination against African American,
12 Latino, Asian American and other non-white individuals in violation of 42 U.S.C. § 2000e-2(b).

13 183. Upon information and belief, due to Facebook’s pattern or practice Plaintiffs and
14 members of the putative class have been denied the opportunity to receive and respond to
15 employment advertisements that Facebook provided to similarly situated white potential applicants,
16 and accordingly suffered economic and non-economic harm.

17 184. Title VII provides that “It shall be an unlawful employment practice for an
18 employer” or an “employment agency, . . . to print or publish or cause to be printed or published
19 any notice or advertisement relating to employment by such an employer . . . or relating to any
20 classification or referral for employment by such an employment agency, . . . indicating any
21 preference, limitation, specification, or discrimination, based on race [or] national origin.” 42
22 U.S.C. § 2000e-3(b).

23 185. Facebook is an “employment agency” under Title VII, as Facebook is a “person”
24 who “regularly undertak[es] with or without compensation to procure employees for an employer or

1 to procure for employees opportunities to work for an employer and includes an agent of such a
2 person.” 42 U.S.C. § 2000e(c). A “person” under Title VII “includes” “corporations” like
3 Facebook. 42 U.S.C. § 2000e(a). Upon information and belief, Facebook regularly receives
4 compensation from employers to place advertisements for employers—and provide related
5 marketing, recruitment, sourcing, advertising, branding, information, and/or hiring services—to
6 recruit applicants for employment and encourage them to apply for employment with such
7 employers.

8 186. Upon information and belief, by engaging in a pattern or practice of providing
9 marketing, recruitment, sourcing, advertising, branding, information, and/or hiring services for and
10 on behalf of Businesses that seek applicants for employment via Facebook and that use Facebook’s
11 targeting tools to exclude which Facebook customers will receive such marketing, recruitment,
12 sourcing, advertising, branding, information, and/or hiring advertisements for employment based
13 expressly on the race or national origin of the Facebook user and based on facially neutral
14 characteristics of the Facebook user that have a disparate impact on African Americans, Latinos,
15 Asian Americans, and other non-white individuals, including the location of the Facebook user (as
16 specific as the person’s zip code) and the user’s similarity to the company’s existing customers,
17 Facebook, an employment agency, has printed or published notices or advertisements relating to
18 employment by employers and/or relating to classification or referral for employment that indicate a
19 preference, limitation, specification or discrimination based on race or national origin and has
20 thereby harmed African American, Latinos, Asian American and other non-white individuals who
21 are denied employment opportunities.

22 187. Furthermore, Facebook’s pattern or practice of providing marketing, recruitment,
23 sourcing, advertising, branding, information, and/or hiring services for and on behalf of Businesses
24 that seek applicants for employment via Facebook and that use Facebook’s targeting tools to

1 exclude which Facebook customers based on a racial or ethnic group that Facebook knows or
2 believes the user has an affinity for, is a member of, or otherwise likes constitutes disparate
3 treatment, race- or national origin-based stereotyping, and associational discrimination based on
4 race or national origin, and unlawful disparate impact discrimination against African American,
5 Latino, Asian American and other non-white individuals in violation of 42 U.S.C. § 2000e-3(b).

6 188. Upon information and belief, due to Facebook's pattern or practice Plaintiffs and
7 members of the putative class have been denied the opportunity to receive and respond to
8 employment advertisements that Facebook provided to similarly situated white potential applicants,
9 and accordingly suffered economic and non-economic harm.

10 189. The limitations period for Plaintiffs' Title VII claims is two years prior to the date
11 that the first charge was filed. 42 U.S.C. § 2000e-5(e)(3)

12 **PRAYER FOR RELIEF**

13 WHEREFORE, Plaintiffs pray that judgment be entered against Facebook on all claims and
14 respectfully requests that this Court award the following relief:

- 15 A. Declare that Facebook's pattern or practice described above violations Title
16 VII, the Fair Housing Act, the Equal Credit Opportunity Act, Section 1981,
17 Section 1982, FEHA, the Unfair Competition Law, and the Unruh Civil
18 Rights Act.
- 19 B. Enter an order enjoining Facebook from continuing to engage in acts that
20 violate the same federal and state statutes.
- 21 C. Certify a Class under Rule 23(a) and (b)(2) and (b)(3) of the Federal Rules of
22 Civil procedure, appoint Plaintiffs' counsel as Class Counsel, and appoint the
23 named Plaintiffs as the Class Representatives.
- 24 D. Require Facebook to pay members of the Class for the economic harm they
have suffered due to the denial of employment, housing, and credit
opportunities, as well as punitive damages.
- E. Require Facebook to pay Plaintiffs' attorneys' fees and costs.
- F. Grant such other and further relief as the Court deems proper, appropriate,
just, or equitable.

1 Dated: February 13, 2017

Respectfully submitted,

2 By: /s/ Jahan C. Sagafi

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