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 8 *Justine De Caires, Grae Kindel,*
 9 *Alexis Camacho, and Jessica Pan,*
on behalf of themselves
and all others similarly situated

11 **UNITED STATES DISTRICT COURT**
 12 **NORTHERN DISTRICT OF CALIFORNIA**
 13 **SAN FRANCISCO DIVISION**

14 Case No. 3:22-cv-6857

15 EMMANUEL CORNET, JUSTINE DE
 16 CAIRES, GRAE KINDEL, ALEXIS
 CAMACHO, AND JESSICA PAN, on behalf
 of themselves and all others similarly situated,

CLASS ACTION COMPLAINT

1. VIOLATION OF WARN ACT (29 U.S.C. §§ 2101 *ET SEQ.*)
2. VIOLATION OF CALIFORNIA WARN ACT (CAL. LAB. CODE §§ 1400 *ET SEQ.*)
3. DECLARATORY JUDGMENT ACT, 28 U.S.C. §§ 2201-02

17
 18 Plaintiffs,

19 v.

20 TWITTER, INC.

21 Defendant.
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1 **I. INTRODUCTION**

2 1. Emmanuel Cornet, Justine De Caires, Grae Kindel, Alexis Camacho, and Jessica
3 Pan, individually and on behalf of all others similarly situated, file this Class Action Complaint
4 against Defendant Twitter, Inc. (“Twitter”) for its violation and anticipated further violation of
5 the federal Worker Adjustment and Retraining Notification Act, 29 U.S.C. § 2101 *et seq.* (the
6 “WARN Act”), as well as the California WARN Act, Cal. Lab. Code § 1400 *et seq.* (the
7 “California WARN Act”).
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9 2. As described further below, shortly after the company’s purchase by Elon Musk,
10 during the first week of November 2022, Twitter began a mass layoff. It has been widely
11 reported that Twitter plans to lay off about 3,700 employees, approximately 50% of its total
12 workforce. See, e.g., Jon Brodtkin, Musk to cut half of Twitter jobs and end remote work for the
13 rest, report says, ARS TECHNICA (November 3, 2022), [https://arstechnica.com/tech-](https://arstechnica.com/tech-policy/2022/11/report-musk-to-lay-off-50-of-twitter-staff-reverse-work-from-home-policy/)
14 [policy/2022/11/report-musk-to-lay-off-50-of-twitter-staff-reverse-work-from-home-policy/](https://arstechnica.com/tech-policy/2022/11/report-musk-to-lay-off-50-of-twitter-staff-reverse-work-from-home-policy/); Kate
15 Conger, Elon Musk Begins Layoffs at Twitter, NEW YORK TIMES (November 3, 2022),
16 [https://www.nytimes.com/2022/11/03/technology/twitter-layoffs-elon-musk.html?smid=nytcore-](https://www.nytimes.com/2022/11/03/technology/twitter-layoffs-elon-musk.html?smid=nytcore-ios-share&referringSource=articleShare)
17 [ios-share&referringSource=articleShare](https://www.nytimes.com/2022/11/03/technology/twitter-layoffs-elon-musk.html?smid=nytcore-ios-share&referringSource=articleShare); Alex Heath, Elon Musk’s Twitter layoffs are starting,
18 THE VERGE (November 3, 2022), [https://www.theverge.com/2022/11/3/23439802/elon-musks-](https://www.theverge.com/2022/11/3/23439802/elon-musks-twitter-layoffs-start-friday-november-4)
19 [twitter-layoffs-start-friday-november-4](https://www.theverge.com/2022/11/3/23439802/elon-musks-twitter-layoffs-start-friday-november-4); Kali Hays, Elon Musk starts layoffs at Twitter
20 immediately after an email went out saying cuts would start the next day, BUSINESS INSIDER,
21 [https://www.businessinsider.com/layoffs-at-twitter-begin-night-before-elon-musk-said-they-](https://www.businessinsider.com/layoffs-at-twitter-begin-night-before-elon-musk-said-they-would-2022-11)
22 [would-2022-11](https://www.businessinsider.com/layoffs-at-twitter-begin-night-before-elon-musk-said-they-would-2022-11).

23 3. Twitter began the layoffs with a few employees. For example, on November 1,
24 2022, Twitter terminated Plaintiff Emmanuel Cornet without providing advanced written
25 warning, as required by the federal WARN Act and California WARN Act, which require sixty
26 (60) days advance written notice of a mass layoff.
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1 11. Plaintiff Grae Kindel is an adult resident of Medford, Massachusetts, where they
2 have worked as an employee of Twitter assigned to Twitter’s office in Cambridge,
3 Massachusetts.

4 12. Plaintiff Alexis Camacho is an adult resident of Honolulu, Hawaii, where she has
5 worked as an employee of Twitter assigned to Twitter’s headquarters in San Francisco,
6 California.

7 13. Plaintiff Jessica Pan is an adult resident of Alameda, California, where she has
8 worked as an employee of Twitter assigned to Twitter’s headquarters in San Francisco,
9 California.

10 14. Plaintiffs Cornet, De Caires, Pan, and Kindel bring this lawsuit as a Rule 23 class
11 action asserting (1) a federal WARN Act claim on behalf of all Twitter employees throughout
12 the United States who are laid off in a “mass layoff” or “plant closing,” as defined by the WARN
13 Act, following the purchase of Twitter by Elon Musk, and who are not given a minimum of sixty
14 (60) days’ written notice of termination and (2) a California WARN Act claim on behalf of all
15 California Twitter employees who are laid off in a “mass layoff” or “plant closing,” as defined
16 by the California WARN Act, following the purchase of Twitter by Elon Musk, and who are not
17 given a minimum of sixty (60) days’ written notice of termination.

18 15. All Plaintiffs bring a declaratory judgment claim asking the Court to enjoin
19 Twitter from violating the federal and California WARN Act and from soliciting releases from
20 employees who are being laid off without informing them of the pendency of this case and their
21 rights under those statutes.

22 16. Defendant Twitter, Inc. (“Twitter”) is a Delaware corporation, headquartered in
23 San Francisco, California.

24
25 **III. JURISDICTION**

26 17. This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. § 1331 and
27

1 29 U.S.C. § 2104(a)(5).

2 18. This Court has personal jurisdiction over this matter because Twitter is
3 headquartered in this District and conducts substantial business operations in this District.

4 19. This Court has supplemental jurisdiction under 28 U.S.C. § 1367 over Plaintiffs'
5 state law claims, because those claims derive from a common nucleus of operative facts with
6 Plaintiffs' federal claims.

7 **IV. STATEMENT OF FACTS**

8 20. Twitter employs thousands of people across the United States. Following the
9 purchase of the company by Elon Musk, in early November 2022, Twitter initiated what has
10 been widely reported as a mass layoff of employees at its sites across the country. It has been
11 widely reported in the media that Twitter's CEO Elon Musk communicated to Twitter's staff that
12 the company plans to eliminate approximately 3,700 of Twitter's employees, making up about
13 50% of its total workforce. See, e.g., Jon Brodtkin, Musk to cut half of Twitter jobs and end
14 remote work for the rest, report says, ARS TECHNICA (November 3, 2022),
15 [https://arstechnica.com/tech-policy/2022/11/report-musk-to-lay-off-50-of-twitter-staff-reverse-](https://arstechnica.com/tech-policy/2022/11/report-musk-to-lay-off-50-of-twitter-staff-reverse-work-from-home-policy/)
16 [work-from-home-policy/](https://arstechnica.com/tech-policy/2022/11/report-musk-to-lay-off-50-of-twitter-staff-reverse-work-from-home-policy/).

17 21. Plaintiffs Cornet, De Caires, Camacho, and Pan have been employed in Twitter's
18 headquarters in San Francisco, California, and Plaintiff Kindel was employed in Twitter's office
19 in Cambridge, Massachusetts.

20 22. As an early example of the anticipated mass layoff, on November 1, 2022,
21 Plaintiff Cornet was notified that his employment was being terminated effective immediately.
22 Twitter did not provide sixty (60) days advance written notice (or any advance notice at all) to
23 Plaintiff Cornet of his impending layoff. Nor did Twitter provide any severance pay to Plaintiff
24 Cornet.
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1 pay and benefits required to satisfy the WARN Act and the California WARN Act). See Lynch,
2 2022 WL 4295295, at *1-4. A federal court ruled that Tesla’s conduct was “misleading because
3 [the separation agreements] fail to inform potential class members of this lawsuit and the rights
4 that they are potentially giving up under the WARN Act.” Id. at *4.

5
6 29. Plaintiffs here are reasonably concerned that, absent court intervention, Twitter
7 will engage in similar behavior and seek releases from laid off employees without informing
8 them of their rights or the pendency of this case. Plaintiffs have therefore brought this complaint
9 seeking immediate relief to ensure that Twitter does not violate the federal and California
10 WARN Act and then seek to obtain releases from employees who do not have notice of their
11 rights or the claims brought here on their behalf.

12
13 **COUNT I**
Federal WARN Act

14 At all times material herein, Plaintiffs and similarly situated persons have been entitled to
15 the rights, protections, and benefits provided under the federal WARN Act, 29 U.S.C. § 2101 et.
16 seq. 24. Twitter was, and is, subject to the notice and back pay requirements of the federal
17 WARN Act because Twitter is a business enterprise that employed 100 or more employees,
18 excluding part-time employees, and/or, employed 100 or more employees who in the aggregate
19 work at least 4,000 hours per week (exclusive of overtime), as defined in the WARN Act. 29
20 U.S.C. §§ 2101(1)(A) and(B). Twitter is now engaged in conducting mass layoffs without
21 providing the required notice under the federal WARN Act.

22
23 **COUNT II**
California WARN Act

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25 At all times material herein, Plaintiffs and similarly situated persons who have worked
26 for Twitter in California have been entitled to the rights, protections, and benefits provided under

1 the California WARN Act, Cal. Lab. Code § 1400 *et seq.* Twitter was, and is, subject to the
2 notice and back pay requirements of the California WARN Act because Twitter is a business
3 enterprise that employed 75 or more employees, as defined in the California WARN Act, Cal.
4 Lab. Code § 1400(a). Twitter is now engaged in conducting mass layoffs without providing the
5 required notice under the California WARN Act.
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8 **COUNT III**
Declaratory Judgment Act, 28 U.S.C. §§ 2201-02

9 An actual controversy of sufficient immediacy exists between the parties as to the
10 concern by Plaintiffs that Twitter should be prohibited from circumventing the requirements of
11 the WARN Act and the California WARN Act by conducting mass layoffs without providing the
12 required notice and by soliciting the employees it is laying off to sign separation agreements that
13 release their claims under the WARN Act and/or California WARN Act, without first informing
14 them of this lawsuit or their rights under those statutes. Plaintiffs seek a declaratory judgment
15 and an injunction prohibiting Twitter from engaging in such conduct.
16

17 WHEREFORE, Plaintiffs request that this Court enter the following relief:

- 18 a. Declare and find that the Defendant has violated the WARN Act, 29 U.S.C. § 2101 *et*
19 *seq.* and the California WARN Act, Cal. Lab. Code §§ 1400 *et seq.*
20 b. Certify a class action and appoint Plaintiffs and their counsel to represent a class of
21 Twitter employees under Count I who have worked for Twitter anywhere in the
22 United States and are laid off without required notice, in conjunction with the mass
23 layoff described herein;
24 c. Certify a class action and appoint Plaintiffs and their counsel to represent a class of
25 Twitter employees under Count II who have worked for Twitter in California and are
26 laid off, without required notice, in conjunction with the mass layoff described herein;
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- d. Enter declaratory relief and an injunction under Count III enjoining Twitter from violating the WARN Act and/or California WARN Act and from seeking releases of claims under the WARN Act and/or California WARN Act under claims without informing employees of the pendency of this lawsuit and their rights under those statutes.
 - e. Award compensatory damages, including all expenses and wages owed, in an amount according to proof;
 - f. Award pre- and post-judgment interest;
 - g. Award reasonable attorneys' fees, costs, and expenses;
 - h. Any other relief to which the Plaintiffs may be entitled.

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Respectfully submitted,

EMMANUEL CORNET, JUSTINE DE CAIRES,
GRAE KINDEL, ALEXIS CAMACHO, AND
JESSICA PAN, on behalf of themselves and all
others similarly situated,

By their attorneys,

/s/ Shannon Liss-Riordan
Shannon Liss-Riordan, SBN 310719
Thomas Fowler (*pro hac vice* forthcoming)
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Dated: November 3, 2022

CIVIL COVER SHEET

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Emmanuel Cornet, Justine De Caires, Grae Kindel, Alexis Camacho, and Jessica Pan

(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES) San Francisco, CA

(c) Attorneys (Firm Name, Address, and Telephone Number) Shannon Liss-Riordan, Thomas Fowler Lichten & Liss-Riordan, P.C., 729 Boylston St. Suite 2000, Boston, MA 02116; 617-994-5800

DEFENDANTS

Twitter, Inc.

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Large table with categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, HABEAS CORPUS, OTHER, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation-Transfer
8 Multidistrict Litigation-Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): Worker Adjustment and Retraining Notification Act, 29 U.S.C. § 2101 et seq.; California WARN Act, Cal. Lab. Code § 1400 et seq. Brief description of cause: Plaintiffs bring this complaint against Twitter for its violation and anticipated further violation of the federal and California WARN Acts.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P. DEMAND \$ JURY DEMAND: Yes No

VIII. RELATED CASE(S), IF ANY (See instructions):

JUDGE DOCKET NUMBER

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)

(Place an "X" in One Box Only) SAN FRANCISCO/OAKLAND SAN JOSE EUREKA-MCKINLEYVILLE

DATE 11/03/2022

SIGNATURE OF ATTORNEY OF RECORD

/s/ Shannon Liss-Riordan

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-CAND 44

Authority For Civil Cover Sheet. The JS-CAND 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the “defendant” is the location of the tract of land involved.)
 - c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section “(see attachment).”
- II. Jurisdiction.** The basis of jurisdiction is set forth under Federal Rule of Civil Procedure 8(a), which requires that jurisdictions be shown in pleadings. Place an “X” in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- (1) United States plaintiff. Jurisdiction based on 28 USC §§ 1345 and 1348. Suits by agencies and officers of the United States are included here.
 - (2) United States defendant. When the plaintiff is suing the United States, its officers or agencies, place an “X” in this box.
 - (3) Federal question. This refers to suits under 28 USC § 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 - (4) Diversity of citizenship. This refers to suits under 28 USC § 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS-CAND 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an “X” in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an “X” in one of the six boxes.
- (1) Original Proceedings. Cases originating in the United States district courts.
 - (2) Removed from State Court. Proceedings initiated in state courts may be removed to the district courts under Title 28 USC § 1441. When the petition for removal is granted, check this box.
 - (3) Remanded from Appellate Court. Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 - (4) Reinstated or Reopened. Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 - (5) Transferred from Another District. For cases transferred under Title 28 USC § 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 - (6) Multidistrict Litigation Transfer. Check this box when a multidistrict case is transferred into the district under authority of Title 28 USC § 1407. When this box is checked, do not check (5) above.
 - (8) Multidistrict Litigation Direct File. Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket. Please note that there is no Origin Code 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC § 553. Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an “X” in this box if you are filing a class action under Federal Rule of Civil Procedure 23. Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction. Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS-CAND 44 is used to identify related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- IX. Divisional Assignment.** If the Nature of Suit is under Property Rights or Prisoner Petitions or the matter is a Securities Class Action, leave this section blank. For all other cases, identify the divisional venue according to Civil Local Rule 3-2: “the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated.”
- Date and Attorney Signature.** Date and sign the civil cover sheet.