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HOLLY PEASE, and KELLI WISURI, on
14 behalf of themselves and all others similarly
situated

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

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

20 Plaintiffs,

21 v.

22 GOOGLE, INC.,

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

CGC-17-561299

Case No.: _____

CLASS ACTION COMPLAINT

1. Violation of California Equal Pay Act (Labor Code §§1197.5, 1194.5)
2. Failure to Pay All Wages Due to Discharged and Quitting Employees (Labor Code §§201-203, 1194.5)
3. Unfair and Unlawful Business Practices (Bus. & Prof. Code §17200)
4. Declaratory Judgment (C.C.P. §1060 *et seq.*)

JURY TRIAL DEMANDED

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

4 **INTRODUCTION**

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

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

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

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

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

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

6 JURISDICTION AND VENUE

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

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

16 PARTIES

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

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

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

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

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

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

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

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

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

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

11 **CLASS ACTION ALLEGATIONS**

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

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

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

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

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

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

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

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

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

1 ALLEGATIONS OF NAMED PLAINTIFFS

2 Plaintiff Kelly Ellis

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

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

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

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

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

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

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

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

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

20 **Plaintiff Holly Pease**

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

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

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

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

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

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

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

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

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

11 **Plaintiff Kelli Wisuri**

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

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

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

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

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

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

13 **FIRST CAUSE OF ACTION**

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

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

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

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

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

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

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

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

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

13 **FOURTH CAUSE OF ACTION**

14 **Declaratory Judgment**

15 **Cal. C.C.P. § 1060 *et seq.***

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

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

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

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

27 **PRAYER FOR RELIEF**

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

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

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

22
23 Dated: September 14, 2017

Respectfully submitted,

By: 

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Class*

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1 **DEMAND FOR JURY TRIAL**

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

5 Respectfully submitted,

6 Dated: September 14, 2017

7 By: 
8

James M. Finberg

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18 *Class*
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