



**INTRODUCTION**

1  
2 1. Plaintiff Robert Heath (“Mr. Heath”), on behalf of himself and all others  
3 similarly situated, alleges Defendant Google, Inc. (“Google”), through its hiring and  
4 employment practices, violated the Age Discrimination in Employment Act, as  
5 amended (“ADEA”), 29 U.S.C. § 621, *et seq.* and the California Fair Employment  
6 and Housing Act (“FEHA”), Cal. Gov’t Code § 12900, *et seq.*  
7

9 2. Between 2007 and 2013, Google’s workforce grew from 9,500 to over  
10 28,000 employees, yet as of 2013, its employees’ median age was 29 years old.  
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12 3. In February 2011, Google failed to hire Mr. Heath, then age 60, for the  
13 software engineer position he had applied and interviewed for. Mr. Heath had  
14 highly-pertinent qualifications and experience, and a Google recruiter even deemed  
15 him a “great candidate.” Moreover, Google was in the process of “embarking on its  
16 largest recruiting / hiring campaign in its history,” Nevertheless, Google did not hire  
17 Mr. Heath.  
18

19 4. Workforce statistics for 2013, as kept by the U.S. Department of Labor  
20 (“DOL”),<sup>1</sup> indicate a median age of all U.S. workers of 42.4 years old. The 2013  
21 DOL data further indicates a median age of 41.1 years old for U.S. workers in all  
22 “Computer and mathematical occupations.” The DOL data further indicates: (a) a  
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<sup>1</sup> These statistics are maintained by the Bureau of Labor Statistics at  
[http://www.bls.gov/cps/occupation\\_age.htm](http://www.bls.gov/cps/occupation_age.htm).

1 median age 42.8 years old for all U.S. workers who are “Computer programmers;”  
2 (b) a median age of 40.6 years old for all U.S. workers in the occupations of  
3 “Software developers, applications and systems software;” (c) a median age of 44.3  
4 years old for U.S. workers in all “Architecture and engineering occupations;” (d) a  
5 median age of 41.7 years old for U.S. “Computer hardware engineers;” and a median  
6 age of 44.2 years old for U.S. “Engineers, all other.” Google’s workforce,  
7 comprised mostly of workers under the age of 40, is grossly disproportionate to these  
8 U.S. workforce norms.  
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12 5. Google has publicly acknowledged on its “Diversity” webpage, “We’re not  
13 where we want to be when it comes to diversity. And it is hard to address these kinds  
14 of challenges if you’re not prepared to discuss them openly, and with the facts.”<sup>2</sup>  
15 However, Google’s Diversity webpage does not include age-related workforce data,  
16 despite disclosing data about other worker characteristics.  
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### 19 **THE PARTIES**

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21 6. Mr. Heath is a United States citizen, born on June 28, 1950, and has been  
22 60 years old or older at all pertinent times referenced herein. Mr. Heath currently  
23 resides in Boynton Beach, FL, formerly resided in Delray Beach, FL and has resided  
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25  
26 <sup>2</sup> See

27 [https://web.archive.org/web/20140905062131/http://www.google.com/diversity/at-](https://web.archive.org/web/20140905062131/http://www.google.com/diversity/at-google.html)  
28 [google.html](https://web.archive.org/web/20140905062131/http://www.google.com/diversity/at-google.html) (archived copy of Google’s webpage titled “Diversity” as it appeared  
September 5, 2014).

1 in Florida at all pertinent times. Mr. Heath has exhausted his administrative  
2 remedies and complied with the statutory prerequisites of filing an ADEA complaint  
3 by filing a timely discrimination complaint against Google with the U.S. Equal  
4 Employment Opportunity Commission (“EEOC”), which was cross-filed with the  
5 California Department of Fair Employment & Housing (“DFEH”). Mr. Heath has  
6 received right to sue notices from EEOC and DFEH and is timely filing this  
7 complaint and the ADEA and FEHA claims herein.  
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10  
11 7. Google is headquartered in Mountain View, California, and is an American  
12 multinational corporation with internet-related products and services involving  
13 online search, software, computing, and advertising technologies. Google had  
14 revenues of approximately \$66 billion in 2014. At all pertinent times, Google has  
15 had 9,500 or more employees in the United States and currently employs over  
16 53,000 employees. Google, in its own capacity, and as a joint employer with  
17 subsidiaries, affiliates, and/or other entities with which it is associated or contracts,  
18 has exerted significant control over the hiring and employment decisions and actions  
19 herein. Relief is sought against Google as well as its affiliates, employees, agents,  
20 assistants, and successors.  
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### 24 **JURISDICTION**

25  
26 8. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331, 29  
27 U.S.C. § 626(b)-(c), and 29 U.S.C § 216(b).  
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1 9. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332(a),  
2 as the amount in controversy is greater than \$75,000, exclusive of interest and costs,  
3 and is between citizens of different states.  
4

5 10. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332(d)  
6 as this matter is a class action with an amount in controversy of greater than \$5  
7 million, exclusive of interest and costs, and involves at least one class member (Mr.  
8 Heath) who is a citizen of a different state (Florida) than Defendant (California,  
9 Delaware).  
10

11  
12 11. This Court has supplemental jurisdiction over Mr. Heath's state law claim  
13 pursuant to 28 U.S.C. § 1367, as that claim arises out of the same operative facts as  
14 Mr. Heath's other claim and, together, they form part of the same case or  
15 controversy.  
16

17  
18 12. This Court has personal jurisdiction over the Defendant because it engages  
19 in continuous and systematic business contacts within the State of California and  
20 maintains a substantial physical presence in this State, including the operation of its  
21 corporate headquarters in Mountain View, California.  
22

23 **VENUE AND INTRADISTRICT ASSIGNMENT**

24  
25 13. Venue in this district is proper pursuant to 28 U.S.C. § 1391, in that Google  
26 resides in this District, and a substantial part of the events (including discriminatory  
27 hiring practices) giving rise to Mr. Heath's claims occurred in this District.  
28

1 Assignment in this Division is proper pursuant to Civil L.R. 3-2(c) because a  
2 substantial part of the events giving rise to Mr. Heath's claims occurred in this  
3 Division.  
4

5 **FACTUAL ALLEGATIONS**

6  
7 14. Mr. Heath graduated from North Carolina State University in 1978 with a  
8 B.S. in Computer Science. Since 1978, Mr. Heath has had extensive work  
9 experience in information technology ("IT") positions, including software engineer  
10 positions with IBM, Compaq, and General Dynamics.  
11

12 15. In February 2011, Mr. Heath was seeking an IT job. He had his resume  
13 posted on his personal website (www.bobheath.com). The resume listed his IT jobs  
14 dating back to 1978 (*i.e.* over 32 years of post-college jobs), and thus made it  
15 apparent he was over 50 years old.  
16

17 16. Mr. Heath's website resume stated his desired position involved  
18 "opportunities related to software development [and] I would be interested in  
19 assignments related to embedded systems or the world wide web and internet  
20 assignments regarding C++, Java, PHP, and other software technologies."  
21

22 17. Mr. Heath's resume stated he had a master certification in Java, and he had  
23 "[s]cored higher than 96% of all previous test takers" for that certification. His  
24 resume further stated he had a master certification in C++, and he had "[s]cored  
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1 higher than 89% of all previous test takers” for that certification. It is rare for an IT  
2 professional to have both certifications in Java and C++.

3  
4 18. On February 2, 2011, Mr. Heath was contacted by Sam Chun, who worked  
5 as a recruiter in Engineering Staffing for Google in the San Francisco Bay Area (on  
6 information and belief, in Google’s Mountain View, California headquarters). Mr.  
7 Chun sent Mr. Heath an electronic message via Mr. Heath’s website. The message  
8 stated, in pertinent part:  
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10  
11 Not sure if you are aware of this but Google is embarking on its largest  
12 recruiting / hiring campaign in its history. With that said I am currently  
13 looking for the most talented and brightest software engineers and I  
14 was hoping to get a few moments of your time to speak with you about  
15 the opportunities we have available at Google. We're specifically  
16 looking for engineers with coding expertise in C/C++ or Java for  
17 projects related to Chrome OS, Android, Gmail, Search Quality,  
18 Adsense, core Google Infrastructure, as well as many other others.  
19 After reviewing your experience, I thought you would be a great  
20 candidate to come work at Google and add value.

21  
22 19. Later on February 2, 2011, Mr. Heath emailed Mr. Chun in response and  
23 stated, “[s]ure, I would be interested in working for Google.” Mr. Heath further  
24 stated, “[a]s you can see [from my resume], I have over 30 years of experience with  
25 Java, C/C++, and various assembly languages.” Mr. Heath’s email then described  
26 his related experience working on various applications, systems, and algorithms.  
27 Mr. Chun sent an email in reply later that day, and stated “That is great to hear.” Mr.  
28 Chun asked Mr. Heath to complete a questionnaire, which Mr. Heath promptly  
completed and emailed to Mr. Chun, along with a copy of his resume.

1 20. On February 3, 2011, Mr. Chun emailed Mr. Heath and informed him “a  
2 technical phone interview” of Mr. Heath, to be conducted by a “Google Software  
3 Engineer,” was scheduled for Tuesday, February 8, 2011 at 10:00 AM PST. The  
4 email indicated the Software Engineer would call Mr. Heath, and “[t]he interview  
5 requires you to be at a computer with internet connection throughout the call in case  
6 coding is tested in real time via shared document.” The email gave Mr. Heath a link  
7 so he could access shared documentation via the web-based word program Google  
8 Docs.  
9

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12 21. On February 8, 2011, the Google interviewer began the interview by calling  
13 Mr. Heath ten minutes later than scheduled. This in turn caused the interview to be  
14 shorter than the allotted time, and to end before the interview questions were all  
15 answered, because, according to the interviewer, he had to terminate the interview  
16 at 11:00 AM PST.  
17

18  
19 22. The Google interviewer was barely fluent in English. The interviewer used  
20 a speaker phone that did not function well. Mr. Heath asked him, politely and  
21 repeatedly, if he would use his phone’s handset, and the interviewer refused, stating  
22 that “we” would have to “suffer” through the interview using the speaker phone  
23 because he did not want to have to hold the handset through the whole interview.  
24 Communication was very difficult, and Mr. Heath and the interviewer had  
25 difficulties understanding each other throughout the interview.  
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1 23. The Google interviewer began by asking Mr. Heath how his employment  
2 would help Google. Mr. Heath began to answer, but before he finished, the  
3 interviewer interrupted him and told him he had answered the question. During the  
4 remainder of the interview, the interviewer never asked about Mr. Heath's  
5 background, accomplishments, or qualifications.  
6  
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8 24. The remainder of the interview consisted of three sections of technical  
9 questions. The first two sections of questions dealt with calculating the size  
10 requirements of a program using arrays and the order of complexity of a sort  
11 algorithm. Mr. Heath answered these questions completely and accurately.  
12

13 25. The third section of questions involved Mr. Heath writing a short program  
14 to find the answer to a problem presented by the interviewer. Mr. Heath arrived at a  
15 solution, and asked the interviewer if he would access Mr. Heath's solution — *i.e.*,  
16 the coding and program Mr. Heath had written — via the shared Google Docs  
17 documentation.  
18  
19

20 26. The Google interviewer refused to use Google Docs or access the shared  
21 documentation with Mr. Heath's program. Mr. Heath offered to email the  
22 interviewer the program, but the interviewer refused that as well. The interviewer  
23 required Mr. Heath to read the program coding over the phone, which Mr. Heath  
24 did. However, the interviewer — whose lack of English fluency and use of the  
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1 speaker phone further complicated this exchange — seemed not to understand what  
2 Mr. Heath was reading, despite Mr. Heath’s best efforts.

3  
4 27. On February 10, 2011, Mr. Chun emailed Mr. Heath and stated,  
5 “[u]nfortunately, based on the feedback we received from the engineer who  
6 conducted your technical phone interview, we’re not going to be continuing on to  
7 the next step in the process.” No detail was stated as to why Google did not hire Mr.  
8 Heath for the position.  
9

10  
11 28. Following the interview, Mr. Heath contacted Google Human Resources  
12 (“HR”) and explained what had occurred during the interview to an HR  
13 representative. The HR representative stated that the interviewer had acted  
14 inappropriately. The HR representative stated that the interviewer should have used  
15 the Google Docs software to receive the program that he had asked Mr. Heath to  
16 write.  
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19 29. On information and belief, by conducting the interview as described above,  
20 Google intentionally did not allow Mr. Heath to communicate or demonstrate his  
21 full technical abilities, and did not have a sincere interest in hiring Mr. Heath.  
22

23 30. On information and belief, Google’s interview policies and practices with  
24 respect to Mr. Heath and similarly situated workers age 40 or older are  
25 disadvantageous as compared to those used with workers under the age of 40, who  
26 Google treats preferentially and hires in significantly greater numbers.  
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1 31. On information and belief, Google failed to hire Mr. Heath and other  
2 members of the putative class in favor of younger applicants under the age of 40.

3  
4 32. Google, with respect to its hiring decisions and other terms and conditions  
5 of employment described herein, discriminates against job applicants and workers  
6 who are age 40 or older.

7  
8 33. Google's hiring and employment policies and practices described herein,  
9 from the pertinent period of August 13, 2010 (300 days preceding the date of Mr.  
10 Heath's EEOC complaint) through present, have denied equal opportunities  
11 involving hiring, employment and compensation to job applicants and workers who  
12 are age 40 or older.  
13

14  
15 34. On information and belief, Google managers and executives with control  
16 over and/or responsibility for hiring policies, practices, and decisions (including  
17 those for Mr. Heath and the putative Class) have made negative and discriminatory  
18 statements with regard to older workers age 40 and older.  
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20  
21 35. In a prior lawsuit, *Reid v. Google, Inc.*, the California Supreme Court and  
22 Court of Appeal (Sixth District) held that former Google executive Brian Reid  
23 (formerly Google's Director of Operations and Director of Engineering) had  
24 presented sufficient evidence in alleging age discrimination – including statistical  
25 evidence supporting preferential performance reviews and bonuses for workers  
26 under 40 and negative statements by high-level executives concerning older workers  
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1 – to warrant a trial and denial of summary judgment. *See* 235 P.3d 988 (Cal. 2010);  
2 66 Cal. Rptr.3d 744 (Cal. Ct. App. 2007). As those Courts’ found, in addition to  
3 presenting statistical evidence, Mr. Reid presented evidence that executives and  
4 colleagues at Google had made negative statements reflecting animus towards  
5 workers over the age of 40, including: (a) that Urs Hölzle (Google’s eighth  
6 employee, former VP of Engineering, and now a senior vice president of technical  
7 infrastructure at Google) had supervised Reid and had made age-related comments  
8 to Reid “every few weeks,” including statements to Reid that his opinions and ideas  
9 were “obsolete,” and “too old to matter;” (b) that other colleagues at Google had  
10 referred to Reid as an “old man,” an “old guy,” and an “old fuddy-duddy,” had told  
11 him his knowledge was ancient, and had joked that his CD jewel case office placard  
12 should be an “LP” instead of a “CD;” (c) that Reid alleged that in a performance  
13 evaluation he received, his supervisor stated “Right or wrong, Google is simply  
14 different: Younger contributors, inexperienced first line managers, and the super fast  
15 pace are just a few examples of the environment;” (d) that Google’s Vice President  
16 of Engineering Wayne Rosing (to whom Reid and Hölzle reported) and executive  
17 Larry Page (one of Google’s co-founders) were involved with Reid’s job  
18 termination and that Reid was told he was not a “cultural fit” as a reason for his job  
19 termination; and (e) that a former Google recruiter testified that the term “cultural  
20 fit” was used in company circles only to describe older workers.  
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1 36. Google has engaged in a systematic pattern and practice of discriminating  
2 against individuals (including Mr. Heath) who are age 40 and older in hiring,  
3 compensation, and other employment decisions with the resultant effect that persons  
4 age 40 or older are systemically excluded from positions for which they are well-  
5 qualified. The end result of Google's pattern and practice of age discrimination is a  
6 workforce with a median age of 29. On information and belief, Google's  
7 discriminatory conduct was intentional.  
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11 37. Google's policies and practices, even if facially neutral, have had a  
12 substantial adverse impact on the hiring and employment opportunities of applicants  
13 and workers (including Mr. Heath) who are age 40 or older and qualified for  
14 available positions.  
15

16 38. Thus, this Class Action is brought by Mr. Heath on behalf of himself  
17 individually and all similarly-situated workers age 40 and older against whom  
18 Google has discriminated on the basis of age by implementing its policies and  
19 practices of systemically recruiting and hiring workers under the age of 40 in lieu of  
20 older qualified workers such that Google's median workforce age is 29.  
21  
22

23 **CLASS ACTION ALLEGATIONS**

24 39. Mr. Heath brings this Class Action pursuant to Federal Rule of Civil  
25 Procedure 23(a), (b)(2), (b)(3), and (c)(4), seeking injunctive and monetary relief  
26 for the systemic pattern and practice of discriminatory employment practices based  
27  
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1 upon individuals' age. This action is brought on behalf of the following class of  
2 individuals:

3  
4 All individuals who are age 40 or older who sought a work position  
5 with Google and were not hired from August 13, 2010 through the  
6 present.

7  
8 40. Members of the class are so numerous and geographically dispersed across  
9 the United States that joinder is impracticable. While the exact number of class  
10 members is unknown to Mr. Heath, it is believed to be in the thousands.  
11 Furthermore, the class is readily identifiable from information and records in  
12 possession of Google.

13  
14 41. There are numerous questions of law and fact common to members of the  
15 class. Among the common questions of law or fact are: (a) whether Google, in  
16 making hiring and employment decisions, has intentionally discriminated against  
17 individuals who are age 40 and older; (b) whether Google has adopted policies and  
18 practices (including but not limited to recruitment, interview and hiring policies and  
19 practices) that involve the preferential and discriminatory hiring of workers under  
20 the age of 40 to the detriment of workers aged 40 and older; (c) whether Google's  
21 policies and/or practices of hiring workers of a median age of 29 have involved a  
22 pattern and practice of discrimination against workers aged 40 and older; (d)  
23 whether Google's policies and/or practices of hiring workers of a median age of 29  
24 have had a disparate impact on workers aged 40 and older; (e) whether the disparate  
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1 impact of Google’s policies and practices is justified by business or commercial  
2 necessity or a “reasonable factor other than age;” (g) whether there were alternative,  
3 objective means for recruiting, hiring, and employing workers that would have had  
4 a less disparate impact on workers aged 40 and older; (h) whether Google has  
5 violated the ADEA; (i) whether Google has violated the FEHA; and (j) whether  
6 damages, equitable and injunctive relief are warranted for the Class.  
7

9 42. Mr. Heath’s claims are typical of the Class. All members of the Class were  
10 damaged by the same discriminatory policies and procedures employed by Google.  
11

12 43. Mr. Heath will fairly and adequately protect the interest of other class  
13 members because he has no interest that is antagonistic to or which conflicts with  
14 those of any other class member, and Mr. Heath is committed to the vigorous  
15 prosecution of this action and has retained competent counsel experienced in class  
16 litigation to represent him and the other class members.  
17

18 44. Mr. Heath and the Class he seeks to represent have suffered substantial  
19 losses in earnings and other employment benefits and compensation as a result of  
20 Google’s actions.  
21

22 45. Class certification is appropriate pursuant to Federal Rule of Civil  
23 Procedure 23(b)(2) because Google has acted and/or refused to act on grounds  
24 generally applicable to the Class, making declaratory and injunctive relief  
25 appropriate with respect to Mr. Heath and the Class as a whole. The Class members  
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1 are entitled to declaratory and injunctive relief to end Google's systematic, common,  
2 uniform, unfair, and discriminatory policies and/or practices.

3  
4 46. Class certification is appropriate pursuant to Federal Rule of Civil  
5 Procedure 23(b)(3) for determination of the damages claims of individual class  
6 members because the issue of liability is common to the class and the common  
7 nucleus of operative facts forms the central issue, which predominates over  
8 individual issues of proof. The primary question common to the Class is whether  
9 Google has discriminated on the basis of age in its hiring and employment practices.  
10 This question is central to the case and predominates over individual issues among  
11 the members of the proposed class. Google has engaged in a common course of  
12 discriminatory conduct in a manner that has harmed all of the class members. Class  
13 certification under Rule 23(b)(3) would be superior to other methods for fair and  
14 efficient resolution of the issues because certification will avoid the need for  
15 repeated litigation by each individual class member. The instant case will be  
16 eminently manageable as a class action. Mr. Heath knows of no difficulty to be  
17 encountered in the maintenance of this action that would preclude its maintenance  
18 as a class action.  
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24 47. Class certification is appropriate pursuant to Federal Rule of Civil  
25 Procedure 23(c)(4) to litigate Mr. Heath's claims for prospective classwide  
26 compliance and affirmative injunctive relief necessary to eliminate Google's  
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28



1 discrimination. Certification under this rule is also appropriate to decide whether  
2 Google has adopted a systemic pattern and practice of age discrimination in hiring  
3 and employment decisions. Certification under this rule is also appropriate to  
4 determine classwide equitable relief and damages, including punitive damages.  
5

6 **COUNT I**

7 (Age Discrimination in Employment Act, 29 U.S.C § 621, *et seq.*)  
8 (On Behalf of Plaintiff and the Class)

9 48. Mr. Heath re-alleges and incorporates the above paragraphs by reference as  
10 if fully set forth herein.  
11

12 49. The ADEA claims herein are brought by Mr. Heath on behalf of himself and  
13 the Class.  
14

15 50. Throughout the class liability period, Google has engaged in a pattern and  
16 practice of discriminating against individuals who are age 40 and older by: (a)  
17 knowingly and intentionally, in the company's hiring and employment practices,  
18 treating adversely individuals who are age 40 and older, and treating preferentially  
19 individuals who are under 40 years old, and (b) filling a disproportionately large  
20 percentage of its workforce with individuals under 40 years old (such that the  
21 median workforce age is 29 years old) even when there are many individuals age 40  
22 or older who are available and well-qualified for the positions at issue.  
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26 51. As a direct and proximate result of Google's intentional discrimination, Mr.  
27 Heath and the members of the Class have been denied employment, denied the fair  
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1 opportunity to obtain employment, and denied fair opportunities with regard to  
2 positions, compensation, and/or employment with Defendants.

3  
4 52. Throughout the class liability period, Google has used policies and practices  
5 related to hiring and employment described herein, that have had a disparate impact  
6 on the basis of age (discriminating against workers who are age 40 and older) that  
7 are not job-related for the positions at issue, not consistent with business necessity  
8 and are not necessitated by any reasonable factor other than age.

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11 53. Google's actions constitute unlawful discrimination in violation of the  
12 ADEA.

13  
14 **COUNT II**

15 (California Fair Employment and Housing Act, Cal. Gov't Code § 12900, *et seq.*)  
16 (On Behalf of Plaintiff and the Class)

17  
18 54. Mr. Heath re-alleges and incorporates the above paragraphs by reference as  
19 if fully set forth herein.

20  
21 55. The FEHA prohibits an employer from discriminating on the basis of age.  
22 Cal. Gov. Code § 12940(a). The FEHA claims herein are brought by Mr. Heath on  
23 behalf of himself and the Class.

24  
25 56. Throughout the class liability period, Google has engaged in a pattern and  
26 practice of discriminating against individuals who are age 40 and older by: (a)  
27 knowingly and intentionally, in the company's hiring and employment practices,  
28 treating adversely individuals who are 40 years old and older, and treating

1 preferentially individuals who are under 40 years old, and (b) filling a  
2 disproportionately large percentage of its workforce with individuals under 40 years  
3 old (such that the median workforce age is 29 years old) even when there are many  
4 individuals age 40 or older who are available and well-qualified for the positions at  
5 issue.  
6

7  
8 57. As a direct and proximate result of Google's intentional discrimination, Mr.  
9 Heath and the members of the Class have been denied employment, denied the fair  
10 opportunity to obtain employment, and denied fair opportunities with regard to  
11 positions, compensation, and/or employment with Defendants.  
12

13 58. Throughout the class liability period, Google has used policies and practices  
14 related to hiring and employment described herein, that have had a disparate impact  
15 on the basis of age (discriminating against workers who are age 40 and older) that  
16 are not job-related for the positions at issue, not consistent with business necessity  
17 and are not necessitated by any reasonable factor other than age.  
18

19  
20 59. Google's actions constitute unlawful discrimination in violation of the  
21 FEHA.  
22

23 **JURY TRIAL DEMAND**

24 60. Pursuant to Fed. R. Civ. P. 38(b), Mr. Heath, on behalf of himself and others  
25 similarly situated, demands a trial by jury of all claims asserted in this Complaint so  
26 triable.  
27  
28

**PRAYER FOR RELIEF**

WHEREFORE, Mr. Heath requests the Court enter judgment against Google:

- a. Certifying the case, including the FEHA claims, as a class action pursuant to Federal Rule of Civil Procedure 23;
- b. Designating Mr. Heath as representative of the Class;
- c. Designating Mr. Heath's counsel as counsel for the Class;
- d. Rendering a declaratory judgment that the practices complained of herein are unlawful and violate the ADEA and FEHA;
- e. Issuing a permanent injunction against Google and its officers, agents, successors, employees, representatives, and any and all persons acting in concert with them, from engaging in unlawful policies, practices, customs, and usages set forth herein;
- f. Ordering Google to adopt a valid, non-discriminatory method for hiring;
- g. Ordering Google to post notices concerning its duty to refrain from discriminating against employees on the basis of age;
- h. Ordering Google to pay Mr. Heath and the Class compensatory damages for harms suffered as a result of Google's violations of the ADEA and FEHA;
- i. Awarding Mr. Heath and the Class prejudgment interest at the prevailing rate on the compensatory damages as a result of Defendants' discriminating against them;

1 j. Awarding Mr. Heath and the Class front- and back-pay, and such other  
2 equitable relief as the court deems just and appropriate;

3  
4 k. Awarding Mr. Heath and the Class liquidated, exemplary and punitive  
5 damages;

6  
7 l. Awarding reasonable attorneys' fees, expert witness fees, expenses, and  
8 costs of this action and of prior administrative actions;

9  
10 m. Declaring this action to be an ADEA collective action properly  
11 maintained under 29 U.S.C. §216(b); and

12  
13 n. Awarding Mr. Heath and the Class such other relief as this Court deems  
14 just and appropriate.

15 Dated: April 22, 2015

16 By: /s/ Daniel Low

17  
18 Daniel L. Low, SBN: 218387  
19 Daniel A. Kotchen (*motion pro hac vice*  
20 *to be filed*), SBN: WI 1029853  
21 Michael von Klemperer (*motion pro hac*  
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