

# SUMMONS (CITACION JUDICIAL)

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

**NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):**

PINTEREST, INC., DOES 1 through 20, inclusive

**YOU ARE BEING SUED BY PLAINTIFF:  
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

FRANCOISE BROUGHER

**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es):

San Francisco Superior Court, 400 McAllister Street, San Francisco, CA 94102

CASE NUMBER: (Número del Caso):

**CGC-20-585888**

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

David A. Lowe, Rudy, Exelrod, Zieff & Lowe, LLP, 351 California St., Suite 700, San Francisco, CA 94104; Tel. 415-434-9800

DATE:

(Fecha) **AUG 11 2020**

**Clerk of the Court**

Clerk, by

(Secretario)

Deputy

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010).)

**ANGELICA SUNGA**



**NOTICE TO THE PERSON SERVED: You are served**

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☐ on behalf of (specify):  
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)  
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)  
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)  
☐ other (specify):
4. ☐ by personal delivery on (date)

**FILED**  
Superior Court of California  
County of San Francisco

AUG 11 2020

CLERK OF THE COURT

By: ANGELICA SUNGA Deputy Clerk

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8 *Attorneys for Plaintiff*  
FRANCOISE BROUGHER

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 IN AND FOR THE COUNTY OF SAN FRANCISCO

**CGC-20-585888**

13 FRANCOISE BROUGHER,

Case No. \_\_\_\_\_

14 Plaintiff,

**COMPLAINT FOR DAMAGES**

15 vs.

**DEMAND FOR JURY TRIAL**

16 PINTEREST, INC., DOES 1 through 20,  
17 inclusive,

18 Defendants.  
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BY FAX

COMPLAINT FOR DAMAGES

CASE NO. \_\_\_\_\_

1 FRANCOISE BROUGHER, complains and alleges as follows:

2 NATURE OF THE CASE

3 1. Even at the very top ranks of a public company, female executives can be targeted  
4 for sex discrimination and retaliation. Although Pinterest markets itself to women looking for  
5 inspiration, the company brazenly fired its top female executive for pointing out gender bias  
6 within Pinterest's male-dominated leadership team. For two years, Plaintiff Francoise Brougher  
7 was Pinterest's high-performing Chief Operating Officer and helped take the company public.  
8 However, whereas male executives were rewarded for strong leadership styles, Ms. Brougher  
9 was criticized for not being compliant or collaborative enough. In addition, Ms. Brougher was  
10 offered a less favorable compensation structure than her male peers and had to fight for equal  
11 treatment. Finally, when Ms. Brougher complained to the head of Human Resources and to  
12 Chief Executive Officer Ben Silbermann that Pinterest's Chief Financial Officer made  
13 demeaning sexist comments to her, and she asked for help to remedy the hostile work  
14 environment, Mr. Silbermann summarily fired her over a video call.

15 2. Instead of taking her complaint seriously, investigating it properly, and doing the  
16 hard work to address her concerns about gender discrimination and hostility, Pinterest fired  
17 Ms. Brougher to protect the comfort of her male peers. In an attempt to cover up Ms. Brougher's  
18 complaints, Pinterest tried to create a fiction that her firing was a voluntary departure.  
19 Ms. Brougher's termination solidified Pinterest's unwelcoming environment for women and  
20 minorities by imposing a high cost to challenging the men at the top.

21 3. Although Pinterest publicly laments the lack of diversity in its leadership, in  
22 practice, it turns a blind eye to the biased thinking that limit women's opportunities for success in  
23 leadership roles. By terminating an outspoken leader with Ms. Brougher's impressive  
24 credentials, Pinterest further entrenched its workplace inequities.

25 4. Ms. Brougher brings this lawsuit to change Pinterest's culture of gender bias and  
26 to hold Pinterest accountable for discrimination, retaliation, and wrongful termination in violation  
27 of the Fair Employment and Housing Act (FEHA), and the Labor Code.

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1 PARTIES

2 5. Plaintiff Francoise Brougher was employed by Defendant Pinterest, Inc. from  
3 March 2018 until her termination in April 2020. She is a resident of Los Altos Hills, California.

4 6. Upon information and belief, Defendant Pinterest, Inc. is a Delaware corporation,  
5 registered in the State of California, whose primary place of business is the City and County of  
6 San Francisco, California.

7 7. The true names and capacities of Defendants named herein as Does 1 through 20,  
8 whether individual, corporate, associate or otherwise, and the true involvement of Defendants  
9 sued herein as Does 1 through 20, are unknown to Plaintiff who therefore sues said Defendants  
10 by such fictitious names. Plaintiff will amend this Complaint to show the true names, capacities,  
11 and involvement of Does 1 through 20 when ascertained. Plaintiff is informed and believes and  
12 thereon alleges that each of the Defendants designated as a "Doe" is responsible in some manner  
13 for the events and happenings referred to herein, and that Plaintiff's injuries and damages as  
14 hereinafter set forth were proximately caused by said Defendants.

15 8. Plaintiff is informed and believes and thereon alleges that each of the Defendants  
16 sued herein is or was the agent, employee, partner and/or representative of one or more of the  
17 remaining Defendants, and each of them was at all times acting within the purpose and scope of  
18 such agency and employment. Plaintiff is further informed and believes that each of the  
19 Defendants herein gave consent to, ratified, and authorized the acts alleged herein to each of the  
20 remaining Defendants.

21 JURISDICTION AND VENUE

22 9. Venue is proper in this judicial district pursuant to California Code of Civil  
23 Procedure § 395(a) and California Government Code § 12965. Defendant's Principal Executive  
24 Office is in the City and County of San Francisco. Defendant transacts business in San  
25 Francisco. Defendant is within the jurisdiction of this Court for the purposes of service of  
26 process.

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1           10.     Plaintiff was employed in, and significant events material to this case occurred  
2 within, San Francisco. The obligations and liability complained of herein arose in San Francisco,  
3 and Plaintiff suffered injury in San Francisco.

4                               **PROCEDURAL ALLEGATIONS**

5           11.     On August 7, 2020, Ms. Brougher filed a complaint with the Department of Fair  
6 Employment and Housing against Pinterest, alleging gender discrimination and retaliation, and  
7 obtained a Right-to-Sue notice the same day.

8                               **FACTS COMMON TO ALL CAUSES OF ACTION**

9           12.     Ms. Brougher has had an outstanding career in Silicon Valley. She arrived in the  
10 United States in her 20s on a student visa and with only a loan to support her, and has been a  
11 technology executive for the past twenty years, serving some of the Valley's most successful  
12 companies.

13           13.     Before joining Pinterest, Ms. Brougher was an executive at Charles Schwab,  
14 Google, and Square. She led Google's Bizops group when the company was in a period of  
15 exponential growth. She worked on a breadth of issues, including Google's engineering  
16 organization model, large scale acquisitions and integrations, and Google's initial expansion into  
17 Africa. She later managed all of Ad Sales globally for the torso and tail advertisers and was  
18 responsible for a \$16 billion advertising business. During her four-and-a-half-year tenure, the  
19 revenue growth moved from high single digits to over 25 percent year over year growth for this  
20 segment of advertisers.

21           14.     At Square, Ms. Brougher had the opportunity to help a smaller company scale and  
22 define its business strategy. Ms. Brougher worked on initiatives such as expanding Pinterest's  
23 customer base to include larger retailers, the creation of Square's partner ecosystem, and  
24 redefining its go-to-market strategy. She scaled across many functions, including Sales, Account  
25 Management, Customer Success, Business Development, and Marketing. And she was part of  
26 the leadership team that took the company public.

27           15.     For over eight years, Ms. Brougher has been an engaged member of Sodexo's  
28 Board, a French multinational operating in over 70 countries.

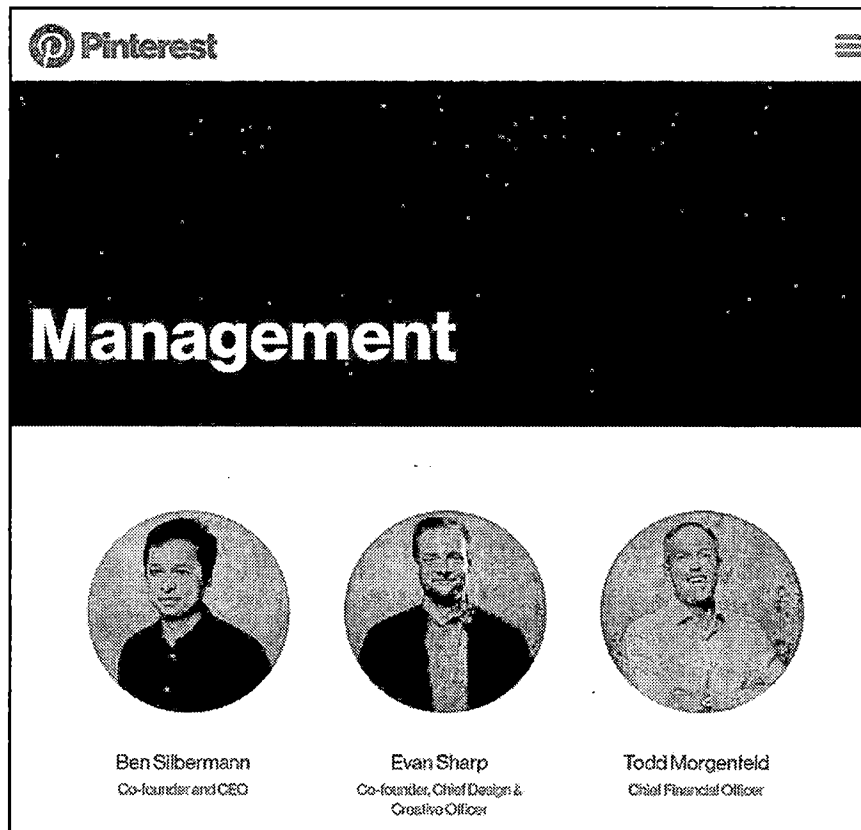
1           16.     Needless to say, her professional experience is extraordinary. And she believed  
2 that she had shattered the glass ceiling in the tech world.

3           17.     Ms. Brougher joined Pinterest as Chief Operating Officer in March 2018. At the  
4 time, she was optimistic and eager to apply her experience. During her first year at Pinterest,  
5 Ms. Brougher added significant value to the company. Revenue growth accelerated, especially in  
6 the third and fourth quarters of 2018, paving the way in part for a successful IPO. Under her  
7 leadership, her team became more disciplined around sales process and customer segmentation.  
8 They made significant progress toward rebuilding the marketing team, diversifying advertisers,  
9 and building a stronger ecosystem by re-engaging partners. The communication team's  
10 promotion of the company resulted in more positive mentions in the press. She encouraged  
11 Pinterest to keep political advertising off Pinterest. And her team introduced new processes to  
12 increase velocity and clarity of goals.

13           18.     When Ms. Brougher accepted the position, she believed that, if she worked hard to  
14 prove herself, the company would judge her based on her job performance and compensate her  
15 fairly.

16           19.     In January 2019, Pinterest unveiled its new company values at a company-wide  
17 event at the San Francisco Orpheum Theater. At this picture-perfect event, Pinterest presented  
18 Ms. Brougher as the champion the "Care and Candor" value. This value was meant to encourage  
19 employees to challenge people directly while maintaining a respectful working environment.  
20 Ms. Brougher was praised for her authenticity and encouraged to lead by example by being direct  
21 and transparent. Unfortunately, Pinterest's actions did not match its words.

22           20.     Ironically, even though Pinterest markets itself to women as a source of lifestyle  
23 inspiration, the company leadership team is male dominated, and gender-biased attitudes are  
24 prevalent. Its website makes this clear:



See <https://investor.pinterestinc.com/governance/management/default.aspx>.

21. When Ms. Brougher raised questions about strategy decisions, Mr. Silbermann criticized her for not being collaborative and told her that she did not have consistently healthy cross-functional relationships. When Ms. Brougher asked him specifics, he could not provide them. Instead, he told her to keep quiet, saying she should “be mindful” of how she acted in group setting. And he discouraged her from communicating directly, saying it was unacceptable for her to say, “we have basically not improved x.”

22. His comments are an archetypal example of gender discrimination. Women are encouraged to be assertive in the workplace, but assertiveness is a liability for women, even for executives. Whereas male executives are viewed as bold, thoughtful, and engaged leaders when they challenge and critique proposed strategy decisions, female executives are viewed as uncooperative. In Ms. Brougher, candor was detrimental, despite being a corporate core value.

23. Criticism like that which Mr. Silbermann gave Ms. Brougher is commonly experienced by women in tech. Kieran Snyder’s research uncovered an “abrasiveness trap” in

1 which women are criticized for speaking up at work and being “abrasive,” and are told to speak  
2 less. Conversely, men are not criticized for similar conduct and are encouraged to be  
3 “aggressive.” Surveying tech employees’ performance reviews, she found that: “58.9% of the  
4 reviews received by men contained critical feedback. 87.9% of the reviews received by women  
5 did.” (See Snyder, Kieran, *The abrasiveness trap: High-achieving men and women are described*  
6 *differently in reviews*, available at [https://web.stanford.edu/dept/radiology/cgi-](https://web.stanford.edu/dept/radiology/cgi-bin/raddiversity/wp-content/uploads/2017/12/TheAbrasivenessTrap.pdf)  
7 [bin/raddiversity/wp-content/uploads/2017/12/TheAbrasivenessTrap.pdf](https://web.stanford.edu/dept/radiology/cgi-bin/raddiversity/wp-content/uploads/2017/12/TheAbrasivenessTrap.pdf).) When the women were  
8 criticized, their personality was the focus of the criticism. This occurred in 2.4% of the critical  
9 reviews that men received and 75.5% of the critical reviews that women received.

10 24. A year into her employment, Ms. Brougher learned that the company had  
11 discriminated against her in the structure of her equity compensation.

12 25. When she was hired, Ms. Brougher was told that that the Board had directed that  
13 executives receive backloaded equity grants, meaning that the majority of the shares would vest  
14 in the last two years of the grant. Specifically, her equity grant provided that only ten percent of  
15 the shares vested the first year; twenty percent vested the second year; thirty percent vested the  
16 third year; and forty percent vested the fourth year.

17 26. She believed that this vesting schedule was standard for Pinterest executives at her  
18 level, and based on this belief, she even offered another incoming female executive the same  
19 grant structure. As Pinterest approached its IPO, it offered Ms. Brougher an IPO retention grant  
20 that was even more backloaded. Starting in March 2019, Ms. Brougher was to receive stock over  
21 five years with the last two years making up most of the reward. She was scheduled to vest zero  
22 stock in the first year, five percent in the second year, five percent in the third year, forty-five  
23 percent in the fourth year, and forty-five percent in the fifth year. She wrongly assumed that all  
24 the executives were treated equally.

25 27. Then she saw the company’s S-1 securities filing. It reflected the salaries of the  
26 highest-paid employees. Even though Ms. Brougher was the COO and managed a large,  
27 complex organization, she was not on the list. Not only that, she discovered that her male peers  
28 had been given more favorable vesting schedules. For the male executives identified, their initial



1 equity grants were not backloaded and their IPO retention grants were much less backloaded that  
2 Ms. Brougher's. Ms. Brougher learned that she was still below the glass ceiling, looking up. It  
3 was hard to swallow.

4 28. Compared to Chief Financial Officer Todd Morgenfeld's initial grant, Ms.  
5 Brougher's was significantly backloaded. In Mr. Morgenfeld's first year, he received 812,500  
6 shares, whereas, in Ms. Brougher's first year, she received 300,000 shares. In other words, in  
7 their first years, Pinterest paid Ms. Brougher 37 percent of the equity it paid Mr. Morgenfeld.

8 29. Ms. Brougher raised her concerns about the disparate pay with Mr. Silbermann.  
9 Mr. Silbermann told her to work it out with HR. She prepared a spreadsheet for HR laying out  
10 the difference between her equity grants and that of her male peers. She showed that she had  
11 received far less equity in her first year of employment and that, unlike her male peers, her equity  
12 grants were heavily backloaded. Mr. Silbermann relented in part and authorized an adjustment to  
13 her IPO retention grant.

14 30. After the IPO, Ms. Brougher was no longer invited to Board meetings. At times,  
15 members of her team were invited, sometimes without her knowledge. But as the COO of  
16 Pinterest, Ms. Brougher no longer had meaningful engagement with the company's board.

17 31. Her male peers began excluding her from Ads team meetings and there were  
18 rumors that she was not getting along with the Product team. To accommodate her male  
19 colleagues, she had to step back, adjust her behavior, and accept not participating in subsequent  
20 discussions. She was punished for the type of assertive behavior for which male executives are  
21 rewarded.

22 32. Ms. Brougher's mid-year performance review was mixed. Mr. Silbermann's  
23 acknowledgement of her accomplishments focused on her relationships, such as her focus on  
24 engagement, having an operationally focused team, attracting talent, and promoting the "Care  
25 with Candor" value. He omitted her concrete success in driving revenue, which had risen from  
26 less than \$500 million to over \$1.1 billion during her tenure. He also critiqued her style.  
27 Without identifying substantive examples, Mr. Silbermann encouraged her to be proactive and  
28 collaborative.

1           33.     Ms. Brougher spent September and October of 2019 working with her team to  
2 craft a series of detailed revenue programs that made Pinterest's fourth quarter the biggest ever.

3           34.     Ms. Brougher returned from an eight-week medical leave in January 2020.

4           35.     Around January 2020, Mr. Morgenfeld became increasingly disrespectful to  
5 Ms. Brougher. He frequently ignored her and undermined her authority by talking directly to her  
6 team members. He did this even on projects she was leading. In one meeting, Mr. Morgenfeld  
7 disparaged her in front of her peers by sarcastically asking, "What is your job anyway?"

8           36.     Discrimination at the highest levels of public companies is often subtle and  
9 sophisticated. It can take the form of a male executive undermining his female colleague's work.  
10 If the company did not meet its revenue goals for one week, Mr. Morgenfeld would passive  
11 aggressively tell her that a good leader does what they say they will do. Most of Mr. Morgenfeld  
12 and Ms. Brougher's one-on-one meetings were taken off calendar, shutting down avenues for  
13 communication between them.

14           37.     Pinterest did nothing to stop Mr. Morgenfeld's discriminatory and harassing  
15 conduct, and instead it permitted his behavior to continue. This is an archetype of male  
16 dominated culture where bad behavior from male executives is tolerated.

17           38.     Furthermore, Pinterest's culture of relying on informal one-on-one meetings  
18 instead of encouraging group dialog operated to exclude Ms. Brougher. Often Mr. Silbermann  
19 would wait to make key strategy decisions until after the meetings Ms. Brougher attended. Later  
20 he would meet with one or two male colleagues and together they would make the decision –  
21 without Ms. Brougher in the room. Her experience is common to women and minorities who  
22 often do not have informal handshake relationships with their male colleagues and are regularly  
23 excluded from the rooms where decisions are made.

24           39.     An example of this was Mr. Silbermann's decision not to invite Ms. Brougher on  
25 Pinterest's IPO roadshow. His decision was not based on her qualifications. Ms. Brougher was  
26 managing approximately half of the company as COO, was responsible for all of Pinterest's  
27 revenue, had prior roadshow experience, and knew many of the investors. Nevertheless,  
28 Mr. Silbermann told her to stay back at the company and invited his buddy, the Head of Global

1 Communication, a man, to the roadshow. This person was superfluous because his role  
2 overlapped with the Head of Investor Relations, who also attended.

3 40. It perpetuates gender inequities for a CEO to elevate his buddies when his buddies  
4 are all men.

5 41. In Ms. Brougher's case, Pinterest's pattern of consistently elevating male voices  
6 over female voices set the stage for the company's retaliation against her.

7 42. Despite Mr. Morgenfeld's efforts to undermine her, in January, Ms. Brougher had  
8 every reason to be confident in her role at Pinterest. In her January performance review,  
9 Mr. Silbermann highlighted that she had made progress on building her cross-functional  
10 relationships. Ms. Brougher invited Mr. Silbermann to provide her feedback in real time so that  
11 she could address any concerns.

12 43. Then in February, Ms. Brougher received a peer review that Mr. Morgenfeld had  
13 written about her (she was not asked to review him). Mr. Morgenfeld's *only* comment on her  
14 2019 achievements was: "Seems to be a champion for diversity issues." By focusing only on  
15 "diversity," Mr. Morgenfeld was giving a decidedly backhanded compliment, because he ignored  
16 and therefore demeaned Ms. Brougher's many significant accomplishments as COO in 2019,  
17 including: scaling the business team to transition from a private to a public company, diversifying  
18 Pinterest's advertiser base, and leading an effort to expand the company's monetization efforts in  
19 Europe. His snide comment was further enfeebled by his use of the verb "seems," which cast  
20 doubt on whether she really did champion diversity (her only perceived accomplishment) or  
21 merely *seemed* to do so.

22 44. Ms. Brougher certainly cares about diversity and mentorship. However, she had  
23 not led any diversity initiatives and had no formal role in that area. So the fact that  
24 Mr. Morgenfeld ignored her business accomplishments leading operations and focused only on  
25 diversity was deeply offensive. Reducing a female executive's achievements to "diversity" is a  
26 common form of gender discrimination.

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1           45.     Ms. Brougher texted Mr. Silbermann that she was upset by Mr. Morgenfeld's  
2 reductive feedback. His tone-deaf response was to suggest that she approach the problem with  
3 "curiosity."

4           46.     Ms. Brougher tried to address her concerns directly with Mr. Morgenfeld. During  
5 a videoconference on February 21, 2020, she reiterated her goal of working collaboratively with  
6 him. She explained that she wanted to better understand his peer feedback and asked him why  
7 his only comment about her achievements was that she was a "champion for diversity."

8           47.     Mr. Morgenfeld responded defensively, asserting that she was a champion of  
9 women's issues. Ms. Brougher was taken aback. She candidly responded that being a female  
10 executive does not make her a champion of women's issues, nor is that the appropriate measure  
11 of her capabilities as COO.

12           48.     Mr. Morgenfeld became angry, raising his voice, and calling her a liar. He  
13 bragged about his "impeccable" record on diversity. He again questioned the value she brought  
14 to the company. Then, he childishly hung up on her. Ms. Brougher had never before felt so  
15 disrespected and frankly threatened than she did after this call.

16           49.     Ms. Brougher texted Mr. Silbermann immediately and told him that her  
17 conversation with Mr. Morgenfeld had not gone well.

18           50.     On February 24, Chief Human Resources Officer Jo Dennis met with  
19 Ms. Brougher to discuss her call with Mr. Morgenfeld. Ms. Brougher explained that she was  
20 offended by Mr. Morgenfeld reducing her accomplishments to "diversity" in the peer feedback  
21 portion of the performance review. Ms. Dennis agreed that it was inappropriate for  
22 Mr. Morgenfeld to have used "diversity" as the main criteria to evaluate Ms. Brougher's  
23 performance as COO. Ms. Brougher emphasized that she liked her job and wanted to find a way  
24 to work with Mr. Morgenfeld but explained that because of his behavior during their last  
25 conversation, she was uncomfortable meeting with him without someone else in the room until  
26 this was resolved.

27           51.     Ms. Brougher asked for Ms. Dennis' help navigating this relationship. Instead,  
28 Ms. Dennis immediately began managing Ms. Brougher's concern as a possible legal issue and

1 escalated her complaint to in-house counsel, instead of trying to mediate the disagreement  
2 between the employees.

3 52. The same day, Ms. Brougher met with Mr. Silbermann for a regular one-on-one.  
4 As they went through a long agenda, the topic of Ms. Brougher's call with Mr. Morgenfeld came  
5 up. Again, Ms. Brougher explained to Mr. Silbermann that Mr. Morgenfeld's comments toward  
6 her were demeaning and offensive and that she felt tired of the abuse and was uncomfortable  
7 meeting with Mr. Morgenfeld without a witness present because of his hostility toward her.  
8 Astonishingly, Mr. Silbermann responded that the situation was analogous to an old couple  
9 fighting over who would make coffee – another gendered remark that trivialized her concern  
10 about sex discrimination by comparing it to a wife's complaint about domestic trouble. It was  
11 not. Mr. Silbermann deflected his responsibility to manage his employees, saying that he would  
12 let Ms. Dennis work it out. He made clear that he did not want to get involved and was happy to  
13 hide behind HR.

14 53. In the midst of Ms. Brougher's efforts to address the discriminatory conduct, the  
15 COVID-19 crisis took the entire executive team's focus. As COO, Ms. Brougher rose to the  
16 occasion and did a tremendous job responding to the crisis.

17 54. On March 26, Ms. Dennis contacted Ms. Brougher. Ms. Dennis flip-flopped and  
18 stated that Mr. Morgenfeld's feedback was appropriate because he believed his statement to be  
19 true, i.e. that Ms. Brougher was seen as an advocate for diversity. This missed the point.  
20 Ms. Dennis did not propose any action to address the disagreement. Instead, she placed the  
21 burden on Ms. Brougher, saying, "Let me know if you'd like to discuss further, very happy to  
22 jump on a call with you, or with you and [Mr. Morgenfeld]."

23 55. Ms. Brougher responded reiterating her concerns about being only seen as  
24 "championing women issues" and about being undermined at work. She asked for Ms. Dennis'  
25 help, saying that she was "[h]appy to do whatever you will suggest."

26 56. A week later, Ms. Dennis reached out to warn her that her role would be changing.  
27 Ms. Dennis tried to insulate Mr. Silbermann from any pushback by assuring Ms. Brougher that he  
28 "cared" about her. On April 2, while the company was still responding to the COVID-19 crisis,

1 Mr. Silbermann called her and terminated her employment. He asked her to transition her  
2 responsibilities to Mr. Morgenfeld over the next month.

3 57. Mr. Silbermann acted as if he, the CEO, were blameless for his decisions by  
4 telling her that he was “sad” to fire someone who is so “logical.” His “sadness” at permitting her  
5 male colleague’s discriminatory behavior and then elevating this colleague in the wake of her  
6 termination did nothing to soften the impact of his actions.

7 58. The explicit reason he gave for her termination was her “cross-functional”  
8 relationships. At the time, the only problem with her “cross-functional” relationships was that  
9 she had objected to her male peer’s sexist and hostile behavior toward her. When faced with a  
10 male executive’s discomfort at being directly asked to judge a woman by the merits of her work  
11 rather than viewing her only as a symbol of diversity, the company sided with the man. To do so,  
12 they tolerated Mr. Morgenfeld’s misbehavior in yelling at his colleague and hanging up on her.

13 59. Ms. Brougher was floored by the termination. She no longer believed that she  
14 could change a company’s culture by working hard to prove herself and being a role model for  
15 others. Even at her level, at the very top of her profession, she was pushed out in favor of a less  
16 qualified male peer.

17 60. Mr. Silbermann asked Ms. Brougher to cover up the company’s decision to  
18 terminate her employment by telling her team that *she* had decided to leave the company. She  
19 declined to do so. Officially, her termination occurred on April 7th. Mr. Silbermann concealed  
20 the company’s actions by issuing a note to Pinterest’s employees thanking Ms. Brougher for her  
21 work.

22 61. The termination cost Ms. Brougher tens of millions of dollars in lost earnings and  
23 equity compensation. She brings this lawsuit to hold Pinterest accountable and thereby to change  
24 its culture.

25 ///

26 ///

27 ///

28 ///



1 Plaintiff is thus entitled to recover punitive damages from Defendant in an amount according to  
2 proof.

### 3 SECOND CAUSE OF ACTION

#### 4 (Retaliation: Violation of Government Code § 12940(h))

5 70. Plaintiff re-alleges and incorporates herein by reference each and every allegation  
6 of the preceding paragraphs as though fully set forth herein.

7 71. Ms. Brougher engaged in protected activity by reporting Mr. Morgenfeld's sexism  
8 comments and hostility to Mr. Morgenfeld, Mr. Silbermann, and Human Resources.

9 72. Pinterest responded by terminating her employment because she objected to what  
10 Ms. Brougher reasonably believed was unlawful gender discrimination and harassment.

11 Mr. Silbermann's express statements and the temporal proximity of the termination leave no  
12 room for doubt that Ms. Brougher's complaints about the CFO's sexist and offensive behavior  
13 were the reason for her termination.

14 73. As a direct, foreseeable, and proximate result of the Defendant's unlawful actions,  
15 Plaintiff has suffered and continues to suffer substantial losses in earnings and other employment  
16 benefits and has incurred other economic losses.

17 74. As a direct, foreseeable, and proximate result of Defendant's unlawful actions,  
18 Plaintiff has suffered emotional distress, humiliation, shame, anxiety, and embarrassment, all to  
19 the Plaintiff's damage in an amount to be proven at the time of trial.

20 75. Defendant committed the acts herein despicably, maliciously, fraudulently, and  
21 oppressively, with the wrongful intention of injuring Plaintiff, from an improper and evil motive  
22 amounting to malice, and in conscious disregard of the rights and safety of Plaintiff and others.  
23 Plaintiff is thus entitled to recover punitive damages from Defendant in an amount according to  
24 proof.

### 25 THIRD CAUSE OF ACTION

#### 26 (Retaliation: Violation of Labor Code § 1102.5)

27 76. Plaintiff re-alleges and incorporates herein by reference each and every allegation  
28 of the preceding paragraphs as though fully set forth herein.







- 1 7. For an award to Plaintiff of costs of suit incurred herein and reasonable attorney's  
2 fees; and  
3 8. For an award of such other and further relief as the Court deems just and proper.

4 DATED: August 10, 2020

Respectfully submitted,

5 RUDY, EXELROD, ZIEFF & LOWE, LLP

6  
7 By: 

8 DAVID A. LOWE  
9 MICHELLE G. LEE  
10 MEGHAN F. LOISEL  
11 *Attorneys for Plaintiff*  
12 FRANCOISE BROUGHER

13 **DEMAND FOR JURY TRIAL**

14 Plaintiff hereby requests trial by jury.

15 DATED: August 10, 2020

Respectfully submitted,

16 RUDY, EXELROD, ZIEFF & LOWE, LLP

17 By: 

18 DAVID A. LOWE  
19 MICHELLE G. LEE  
20 MEGHAN F. LOISEL  
21 *Attorneys for Plaintiff*  
22 FRANCOISE BROUGHER  
23  
24  
25  
26  
27  
28

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, telephone number, and address):  
 David A. Lowe (SBN 178811), Michelle G. Lee (SBN 266167), Meghan F. Loisel (SBN 291400)  
 RUDY, EXELROD, ZIEFF & LOWE, LLP  
 351 California Street, Suite 700  
 San Francisco, CA 94104  
 TELEPHONE NO.: 415.434.9800 FAX NO. (Optional): 415.434.0513  
 ATTORNEY FOR (Name): Plaintiff Francoise Brougher

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO**

STREET ADDRESS: 400 McAllister Street  
 MAILING ADDRESS: 400 McAllister Street  
 CITY AND ZIP CODE: San Francisco, CA 94102  
 BRANCH NAME: Civic Center Courthouse

**CASE NAME:**

FRANCOISE BROUGHER v. PINTEREST, INC., et al.

FOR COURT USE ONLY

**FILED**  
 Superior Court of California  
 County of San Francisco

AUG 11 2020

CLERK OF THE COURT

BY: ANGELICA SUNGA Deputy Clerk

**CIVIL CASE COVER SHEET**

☒ **Unlimited** (Amount demanded exceeds \$25,000) ☐ **Limited** (Amount demanded is \$25,000)

**Complex Case Designation**

☐ Counter ☐ Joinder  
 Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER:

**CGC-20-585888**

JUDGE:

DEPT.:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

**Auto Tort**

☐ Auto (22)  
☐ Uninsured motorist (46)

**Other PI/DP/WD (Personal Injury/Property Damage/Wrongful Death) Tort**

☐ Asbestos (04)  
☐ Product liability (24)  
☐ Medical malpractice (45)  
☐ Other PI/DP/WD (23)

**Non-PI/DP/WD (Other) Tort**

☐ Business tort/unfair business practice (07)  
☐ Civil rights (08)  
☐ Defamation (13)  
☐ Fraud (16)  
☐ Intellectual property (19)  
☐ Professional negligence (25)  
☐ Other non-PI/DP/WD tort (35)

**Employment**

☐ Wrongful termination (36)  
☒ Other employment (15)

**Contract**

☐ Breach of contract/warranty (06)  
☐ Rule 3.740 collections (09)  
☐ Other collections (09)  
☐ Insurance coverage (18)  
☐ Other contract (37)

**Real Property**

☐ Eminent domain/Inverse condemnation (14)  
☐ Wrongful eviction (33)  
☐ Other real property (26)

**Unlawful Detainer**

☐ Commercial (31)  
☐ Residential (32)  
☐ Drugs (38)

**Judicial Review**

☐ Asset forfeiture (05)  
☐ Petition re: arbitration award (11)  
☐ Writ of mandate (02)  
☐ Other judicial review (39)

**Provisionally Complex Civil Litigation**  
 (Cal. Rules of Court, rules 3.400-3.403)

☐ Antitrust/Trade regulation (03)  
☐ Construction defect (10)  
☐ Mass tort (40)  
☐ Securities litigation (28)  
☐ Environmental/Toxic tort (30)  
☐ Insurance coverage claims arising from the above listed provisionally complex case types (41)

**Enforcement of Judgment**

☐ Enforcement of judgment (20)

**Miscellaneous Civil Complaint**

☐ RICO (27)  
☐ Other complaint (not specified above) (42)

**Miscellaneous Civil Petition**

☐ Partnership and corporate governance (21)  
☐ Other petition (not specified above) (43)

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. ☐ Large number of separately represented parties d. ☐ Large number of witnesses  
 b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court  
 c. ☐ Substantial amount of documentary evidence f. ☐ Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☒ punitive

4. Number of causes of action (specify): Four (4)

5. This case ☐ is ☒ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: August 10, 2020

David A. Lowe

(TYPE OR PRINT NAME)

**NOTICE**

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

**To Plaintiffs and Others Filing First Papers.** If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

**To Parties in Rule 3.740 Collections Cases.** A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

**To Parties in Complex Cases.** In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

## CASE TYPES AND EXAMPLES

**Auto Tort**

Auto (22)—Personal Injury/Property Damage/Wrongful Death  
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

**Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort**

Asbestos (04)  
Asbestos Property Damage  
Asbestos Personal Injury/Wrongful Death  
Product Liability (*not asbestos or toxic/environmental*) (24)  
Medical Malpractice (45)  
Medical Malpractice—Physicians & Surgeons  
Other Professional Health Care Malpractice  
Other PI/PD/WD (23)  
Premises Liability (e.g., slip and fall)  
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)  
Intentional Infliction of Emotional Distress  
Negligent Infliction of Emotional Distress  
Other PI/PD/WD

**Non-PI/PD/WD (Other) Tort**

Business Tort/Unfair Business Practice (07)  
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)  
Defamation (e.g., slander, libel) (13)  
Fraud (16)  
Intellectual Property (19)  
Professional Negligence (25)  
Legal Malpractice  
Other Professional Malpractice (*not medical or legal*)  
Other Non-PI/PD/WD Tort (35)

**Employment**

Wrongful Termination (36)  
Other Employment (15)

**Contract**

Breach of Contract/Warranty (06)  
Breach of Rental/Lease  
Contract (*not unlawful detainer or wrongful eviction*)  
Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)  
Negligent Breach of Contract/Warranty  
Other Breach of Contract/Warranty  
Collections (e.g., money owed, open book accounts) (09)  
Collection Case—Seller Plaintiff  
Other Promissory Note/Collections Case  
Insurance Coverage (*not provisionally complex*) (18)  
Auto Subrogation  
Other Coverage  
Other Contract (37)  
Contractual Fraud  
Other Contract Dispute

**Real Property**

Eminent Domain/Inverse Condemnation (14)  
Wrongful Eviction (33)  
Other Real Property (e.g., quiet title) (26)  
Writ of Possession of Real Property  
Mortgage Foreclosure  
Quiet Title  
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

**Unlawful Detainer**

Commercial (31)  
Residential (32)  
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

**Judicial Review**

Asset Forfeiture (05)  
Petition Re: Arbitration Award (11)  
Writ of Mandate (02)  
Writ—Administrative Mandamus  
Writ—Mandamus on Limited Court Case Matter  
Writ—Other Limited Court Case Review  
Other Judicial Review (39)  
Review of Health Officer Order  
Notice of Appeal—Labor Commissioner Appeals

**Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)**

Antitrust/Trade Regulation (03)  
Construction Defect (10)  
Claims Involving Mass Tort (40)  
Securities Litigation (28)  
Environmental/Toxic Tort (30)  
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

**Enforcement of Judgment**

Enforcement of Judgment (20)  
Abstract of Judgment (Out of County)  
Confession of Judgment (*non-domestic relations*)  
Sister State Judgment  
Administrative Agency Award (*not unpaid taxes*)  
Petition/Certification of Entry of Judgment on Unpaid Taxes  
Other Enforcement of Judgment Case

**Miscellaneous Civil Complaint**

RICO (27)  
Other Complaint (*not specified above*) (42)  
Declaratory Relief Only  
Injunctive Relief Only (*non-harassment*)  
Mechanics Lien  
Other Commercial Complaint Case (*non-tort/non-complex*)  
Other Civil Complaint (*non-tort/non-complex*)

**Miscellaneous Civil Petition**

Partnership and Corporate Governance (21)  
Other Petition (*not specified above*) (43)  
Civil Harassment  
Workplace Violence  
Elder/Dependent Adult Abuse  
Election Contest  
Petition for Name Change  
Petition for Relief From Late Claim  
Other Civil Petition