

1 **INTRODUCTION**

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.*
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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.
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20 4. Workforce statistics for 2013, as kept by the U.S. Department of Labor
21 (“DOL”),¹ indicate a median age of all U.S. workers of 42.4 years old. The 2013
22 DOL data further indicates a median age of 41.1 years old for U.S. workers in all
23 “Computer and mathematical occupations.” The DOL data further indicates: (a) a
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28 ¹ These statistics are maintained by the Bureau of Labor Statistics at
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.”²
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 ² 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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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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25 **JURISDICTION**

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).

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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.
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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.
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23 **VENUE AND INTRADISTRICT ASSIGNMENT**

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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.
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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.
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5 **FACTUAL ALLEGATIONS**

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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."
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23 17. Mr. Heath's resume stated he had a master certification in Java, and he had
24 "[s]cored higher than 96% of all previous test takers" for that certification. His
25 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++.

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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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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.
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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

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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.
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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.
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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.

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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

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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.
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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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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.

10 37. Google's policies and practices, even if facially neutral, have had a
11 substantial adverse impact on the hiring and employment opportunities of applicants
12 and workers (including Mr. Heath) who are age 40 or older and qualified for
13 available positions.

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

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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
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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.

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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.
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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.
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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.

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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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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.

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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.

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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.

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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.
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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.
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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

1 **PRAYER FOR RELIEF**

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

3 a. Certifying the case, including the FEHA claims, as a class action
4 pursuant to Federal Rule of Civil Procedure 23;

5 b. Designating Mr. Heath as representative of the Class;

6 c. Designating Mr. Heath’s counsel as counsel for the Class;

7 d. Rendering a declaratory judgment that the practices complained of
8 herein are unlawful and violate the ADEA and FEHA;

9 e. Issuing a permanent injunction against Google and its officers, agents,
10 successors, employees, representatives, and any and all persons acting in concert
11 with them, from engaging in unlawful policies, practices, customs, and usages set
12 forth herein;

13 f. Ordering Google to adopt a valid, non-discriminatory method for hiring;

14 g. Ordering Google to post notices concerning its duty to refrain from
15 discriminating against employees on the basis of age;

16 h. Ordering Google to pay Mr. Heath and the Class compensatory damages
17 for harms suffered as a result of Google’s violations of the ADEA and FEHA;

18 i. Awarding Mr. Heath and the Class prejudgment interest at the prevailing
19 rate on the compensatory damages as a result of Defendants’ discriminating against
20 them;
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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;

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

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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
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