

**FILED**  
San Francisco County Superior Court

MAY 27 2021

CLERK OF THE COURT

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN FRANCISCO  
DEPARTMENT 613

KELLY ELLIS, HOLLY PEASE, and KELLI  
WISURI, and HEIDI LAMAR individually and  
on behalf of all others similarly situated,

Plaintiffs,

v.

GOOGLE, LLC (formerly GOOGLE, INC.),

Defendant.

Case No. CGC-17-561299

REDACTED ORDER GRANTING  
PLAINTIFFS' MOTION FOR CLASS  
CERTIFICATION

**INTRODUCTION**

This matter came on regularly for hearing on May 7, 2021 in Department 613, the Honorable Andrew Y.S. Cheng, presiding. James Finberg, Kelly M. Dermody, and Michelle A. Lamy appeared for Plaintiffs Kelly Ellis, Holly Pease, Kelli Wisuri and Heidi Lamar (collectively, "Plaintiffs"). Felicia A. Davis appeared for Google, LLC ("Google").

Having reviewed and considered the arguments, pleadings, and written submissions of all parties, the Court **GRANTS** Plaintiffs' motion for class certification.

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1 **REQUESTS FOR JUDICIAL NOTICE**

2 As an initial matter, pursuant to Evidence Code § 451, subdivision (a) and Evidence Code § 452,  
3 subdivisions (c)-(d), the Court **GRANTS** the parties' requests for judicial notice as follows:

- 4 • Plaintiffs' Request for Judicial Notice in Support of Motion for Class Certification, Exhibits A-N;  
5 and  
6 • Defendants' Request for Judicial Notice in Support of Opposition to Plaintiffs' Motion for Class  
7 Certification, Exhibits A-D.

8 **BACKGROUND**

9 Plaintiffs are former employees of Google in California. Plaintiffs filed their initial complaint in  
10 this action on September 14, 2017. Plaintiffs filed their operative, first amended complaint ("FAC") on  
11 January 3, 2018. In the FAC, Plaintiffs allege causes of action for: (1) Violation of California Equal Pay  
12 Act ("EPA") (Labor Code §§ 1197.5, 1194.5), (2) Failure to Pay All Wages Due to Discharged and  
13 Quitting Employees (Labor Code §§ 201-203, 1194.5), (3) Unfair and Unlawful Business Practices (Bus.  
14 & Prof. Code § 17200), (4) Declaratory Judgment (C.C.P. § 1060 *et seq.*). (See FAC ¶¶ 91- 112.)  
15 Plaintiffs bring the four causes of action on behalf of themselves and the Plaintiff Class.

16 Plaintiffs moved for class certification on July 23, 2020. Plaintiffs ask the Court to certify the  
17 following class for the EPA claim and the UCL claim predicated on the EPA violations ("EPA/UCL  
18 claim"): "All women employed by Google in a Covered Position in California at any time from  
19 September 14, 2013 through the date of trial in this action." (See Plaintiffs' Notice of Motion and Motion  
20 for Class Certification ["Notice"], 2.) The Covered Positions are identified in Attachment 1 to the Notice.  
21 (See *id.*) For the UCL claim predicated on FEHA ("UCL/FEHA claim"), Plaintiffs seek to certify a  
22 subclass of the EPA class that excludes campus hires (i.e., employees that were hired directly from  
23 school) and women hired after August 28, 2017. (Plaintiffs' Reply Memorandum of Points and  
24 Authorities in Support of Class Certification ["Reply"], 15.)

25 Plaintiffs seek to certify all four claims. Plaintiffs argue (1) Google pays women in the Covered  
26 Positions less than men in the same positions performing substantially equal or similar work, in violation  
27 of the EPA, Labor Code § 1197.5 and the Unfair Competition Law ("UCL"), Bus. and Prof. Code §  
28 17200, and (2) Google assigns women to lower level of responsibility and salary range than men with

1 comparable experience and education, in violation of the UCL by virtue of violation of the Fair  
2 Employment and Housing Act (“FEHA”), Cal. Gov. Code § 12900 *et seq.* Plaintiffs contend that their  
3 declaratory relief and waiting time penalties claims are derivative of the other claims and will be proven  
4 by the same common evidence as the other claims.

5 On November 17, 2020, Google requested that it be permitted to file a sur-reply brief and sur-  
6 rebuttal reports from Dr. Ali Saad and Dr. Eric M. Dunleavy responding to Plaintiffs’ Reply  
7 Memorandum of Points and Authorities in Support of the Motion for Class Certification and the rebuttal  
8 reports from Professor David Neumark and Dr. Leaetta M. Hough submitted with Plaintiffs’ Reply. On  
9 November 18, 2020, Plaintiffs opposed Google’s request, but requested that if Google’s request were  
10 granted, they be permitted to file a sur-sur-reply brief and sur-sur-rebuttal reports from Professor  
11 Neumark and Dr. Hough responding to Google’s submission. On November 23, 2020, the Court  
12 permitted Google’s sur-reply and Plaintiffs’ sur-sur reply and asked the parties to submit a joint  
13 stipulation and proposed order regarding the supplemental briefing deadlines. Pursuant to the parties’  
14 stipulation, Google filed its sur-reply on January 11, 2021 and Plaintiffs filed their sur-sur reply on  
15 February 22, 2021.

### 16 LEGAL STANDARD

17 “The party advocating class treatment must demonstrate the existence of an ascertainable and  
18 sufficiently numerous class, a well-defined community of interest, and substantial benefits from  
19 certification that render proceeding as a class superior to the alternatives.” (*Brinker Restaurant Corp. v.*  
20 *Superior Court* (2012) 53 Cal.4th 1004, 1021.) The “community of interest requirement embodies three  
21 factors: (1) predominant common questions of law or fact; (2) class representatives with claims or  
22 defenses typical of the class; and (3) class representatives who can adequately represent the class.” (*Ibid.*)  
23 Whether to certify a class rests in the broad discretion of the trial court. (*Id.* at 1022; *see also Duran v.*  
24 *U.S. Bank* (2014) 59 Cal.4th 1, 25.)

### 25 DISCUSSION

#### 26 **I. Numerosity and Ascertainability**

27 “Ascertainability is achieved ‘by defining the class in terms of objective characteristics and  
28 common transactional facts making the ultimate identification of class members possible when that

1 identification becomes necessary.” (*Bomersheim v. Los Angeles Gay & Lesbian Center* (2010) 184  
2 Cal.App.4th 1471, 1483, 109 Cal.Rptr.3d 832; see *Nicodemus v. Saint Francis Memorial Hospital* (2016)  
3 3 Cal.App.5th 1200, 1212, 208 Cal.Rptr.3d 411 (*Nicodemus*); *Aguirre v. Amscan Holdings, Inc.* (2015)  
4 234 Cal.App.4th 1290, 1300, 184 Cal.Rptr.3d 415 (*Aguirre*).)” (*ABM Indus. Overtime Cases* (2017) 19  
5 Cal.App.5th 277, 302; *Noel v. Thrifty Payless, Inc.* (2019) 7 Cal.5th 955, 445 P.3d 626, 634, 643.)

6 With respect to numerosity, the ultimate issue is whether the class is so large as to make joinder  
7 impracticable. (*Hendershot v. Ready to Roll Transportation, Inc.* (2014) 228 Cal.App.4th 1213, 1222.)  
8 The numerosity requirement requires examination of the specific facts of each case and imposes no  
9 absolute limitations. (*Id.* [noting that California Supreme Court has upheld a class representing ten  
10 beneficiaries of a trust in an action for removal of trustees].)

11 Plaintiffs’ proposed class and subclass are ascertainable. As set forth above, Plaintiffs define the  
12 proposed class for the EPA claim and the UCL/EPA claim as follows: “All women employed by Google  
13 in a Covered Position in California at any time from September 14, 2013 through the date of trial in this  
14 action.” (Notice, 2.) The proposed subclass for the UCL/FEHA claim excludes women who are campus  
15 hires and women who were hired after August 28, 2017. This subclass excludes the categories for whom  
16 Google lacks prior pay data. The class and subclass are defined in terms of objective characteristics and  
17 common transactional facts sufficient to allow a class member to identify herself as having a right to  
18 recover based on that description. Moreover, there is no dispute that Google’s payroll records provide all  
19 of the information necessary to identify putative class members (e.g., job code, date of hire and campus  
20 hire).

21 The proposed class includes more than 10,800 women, and the proposed subclass includes more  
22 than 6,600 women. The Court finds that both numerosity and ascertainability are satisfied.

## 23 **II. Commonality, Predominance, and Superiority**

### 24 **A. Background Law**

25 The predominance test asks in effect whether the issues that may be jointly tried, as compared to  
26 those requiring separate adjudication, are so numerous or substantial that the maintenance of a class action  
27 would be advantageous to the judicial process or the litigants. (*Brinker*, 53 Cal.4th at 1022; *ABM Indus.*,  
28 19 Cal.App.5th at 307.) Courts examine the plaintiff’s theory of recovery, assess the nature of the legal

1 and factual disputes likely to be presented, and decide whether individual or common issues predominate.  
2 (*Brinker*, 53 Cal.4th at 1025.) Generally, if the defendant’s liability can be determined by facts common  
3 to all members of the class, a class will be certified even if the members must individually prove their  
4 damages. (*Id.* at 1022; *ABM Indus.*, 19 Cal.App.5th at 309 [common theme in cases granting certification  
5 was that the plaintiff’s theory of liability could be determined based on common uniform policies  
6 applicable to the class as a whole].) At the certification stage, the court should grant certification as long  
7 as the plaintiff’s posited theory is amenable to resolution on a class-wide basis, even if the theory is  
8 ultimately incorrect on a substantive level. (*ABM Indus.*, 19 Cal.App.5th at 307-08.)<sup>1</sup>

9 In evaluating predominance, the court must also consider whether individual issues can be  
10 managed fairly and efficiently. (*Duran v. U.S. Bank Nat’l Assn.* (2018) 19 Cal.App.5th 630, 638 (*Duran*  
11 *II*.) Class certification may be properly denied based on manageability concerns where the illegal effects  
12 of an allegedly uniform policy cannot be proven efficiently and manageably in a class setting. (*Ibid.*)

13 Moreover, class actions are meant to be superior to alternate means for a fair and efficient  
14 adjudication of the litigation in that they must provide substantial benefits to both the courts and the  
15 litigants. (*Sav-On Drug Stores, Inc. v. Superior Court* (2004) 34 Cal.4th 319, 332 [citing *Washington*  
16 *Mutual Bank, FA v. Superior Court* (2001) 24 Cal.4th 906, 914].)

17 **b. Plaintiffs’ EPA Claim**

18 **i. Plaintiffs’ Theory of Liability**

19 The EPA provides that “[a]n employer shall not pay any of its employees at wage rates less than  
20 the rates paid to employees of the opposite sex for substantially similar work, when viewed as a  
21 composite of skill, effort, and responsibility, and performed under similar working conditions[.]” (Labor  
22 Code § 1197.5.) The theory of recovery for Plaintiffs’ EPA claim is that “employees in the same job code  
23 perform substantially similar work, Google pays women less than men in the same job codes, and that  
24 Google cannot justify that disparity through legitimate factors (such as education, experience, tenure, or  
25 job performance). (Reply, 7.) Plaintiffs contend company documents and PMQ testimony establish that  
26 Google classifies its employees by job code—which is the intersection of job family (e.g., software  
27

28 <sup>1</sup> Due to the procedural posture, *ABM* did not address manageability concerns. (See *ABM Indus.*, 19 Cal.App.5th at 311 n.15.)

1 engineer or “SWE”) and responsibility (e.g., SWE 3 or SWE 4) for the purpose of setting compensation.  
2 (See Declaration of James M. Finberg [“Finberg Decl.”], Ex. F [OFCCP v. Google, Case No. 2017-OFC-  
3 08004 April 7, 2017 Administrative Law Hearing] at 174:2-24; Ex. H [PMK Deposition of Alexander  
4 Richard Williams] at 99:16-100:13.) Plaintiffs contend that Google documents, PMQ testimony, and  
5 expert testimony establish that persons in the same job code share a similar level of responsibility, as well  
6 as skills, abilities, and basic job tasks. (See *id.* at Ex. F at 174:2-9, 19-24.) Thus, Plaintiffs argue that  
7 common evidence establishes that persons in the same job codes are performing substantially similar or  
8 equal work.

9 Plaintiffs further contend that expert analyses of Google’s data establish that throughout the Class  
10 Period, and throughout California, Google paid women in Covered Positions thousands of dollars per year  
11 less than men in the same job code. Plaintiffs assert that Google paid women less base pay, smaller  
12 bonuses, and smaller shares of stock than it paid men in the same job codes. (See Declaration of David  
13 Neumark in Support of Plaintiffs’ Motion for Class Certification [“Neumark Decl.”], Ex. A [Expert  
14 Report] at ¶¶ 8b, 18-20, Sum. Tbl. 1, Anal. Tbl. 2.)

15 The liability question framed by Plaintiffs is whether Defendants paid women less than men who  
16 performed substantially equal or similar work when viewed as a composite of skill, effort, and  
17 responsibility, performed under similar working conditions.

18 **ii. Whether Plaintiffs’ Theory of Liability Presents Predominant Common**  
19 **Questions**

20 **A. The First Element of Plaintiffs’ EPA Claim – Whether Persons in the**  
21 **Same Job Code Perform Substantially Similar Work Is a Common**  
22 **Issue that the Trier of Fact Can Resolve Using Common Evidence**

23 Plaintiffs submitted evidence that Google has centralized compensation policies and practices,  
24 including salary ranges for each job code. (See Finberg Decl., Ex. F at 174:19-24; Ex. H at 62:10-64:14,  
25 99:16-105:21, 158:23-159:3, 164:19-169:2, 189:3-192:25, 194:15-196:12, 202:16-205:7.) Google’s job  
26 classification system is described in job ladders that identify duties, job requirements, and expectations  
27 for the jobs in a job family, sorted by level of responsibility. (See *id.* at Ex. T [Software Engineering  
28 Ladder L3-L7].) Plaintiff submitted evidence that (1) a “job family” is a “professional category of job at  
Google” sorted by “those that are doing similar job duties and responsibilities, but stratified at different

1 levels of capabilities or skill sets” (*id.* at Ex. F, 174:2-9.); (2) a level “can be thought of as a salary  
2 grade”, (*id.* at 174:19-24); (3) employees at the same level in a job family are “performing [a] like level  
3 of duties and responsibilities within that job family” (*id.*); (4) a job code is a numeric code that includes  
4 job family and responsibility level (*id.* at 174:10-15.) VP of Compensation, Frank Wagner, testified that  
5 “ [REDACTED] ” are “ [REDACTED] ”. (*Id.* at Ex. G at 93:11-94:7.) Google’s  
6 annual pay equity analyses compare persons in the same job code. (See *id.* at Exs. DDD, EEE, LLL,  
7 GGG.) In response, Google argues that employees within the same job code work across many different  
8 “domains” and “product areas” (“PAs”), frequently perform very dissimilar work. (See Defendant  
9 Google LLC’s Opposition to Plaintiffs’ Motion for Class Certification [“Opp.”], 12 [citing GOOG-  
10 ELLIS-00101865; Saad Decl., Ex. A ¶ 23 n.34, 115-118; Dunleavy Decl., Ex. A, iv., n.5; Lundquist Decl.  
11 ¶ 19; GOOG-ELLIS-00157528- GOOG-ELLIS-00157827].) Google asserts that to identify comparators  
12 for EPA purposes at trial, boundless individualized testimony would be required to account for all of the  
13 different kinds of work that more than 33,000 employees across more than 200 different job codes  
14 actually perform, precluding class treatment.

15       The Court disagrees. For work to be substantially similar under the EPA, or even substantially  
16 equal under the pre-2016 standard, jobs do not need to be identical or require exactly the same duties.  
17 (See, e.g., *Cook v. United States* (2008) 85 Fed. Cl. 325, 344-345 [work performed by female Director of  
18 the Office of Marine Safety for the NTSB was substantially equal to the work performed by male  
19 Directors of the Office of Highway Safety, Railroad Safety, and Pipeline and Hazardous Materials Safety,  
20 even though each specialized in investigation of a different type of accident and thus required technical  
21 experience in a different transportation mode]; see also *Ewald v. Royal Norwegian Embassy* (D. Minn.  
22 2014) [“Innovation and Business Officer” and “Higher Education and Research Officer” substantially  
23 equal though one focused on business and the other on education].) Pursuant to Labor Code § 1197.5, the  
24 proper comparison is “substantially similar work, when viewed as a composite of skill, effort, and  
25 responsibility, and performed under similar working conditions.” Whether the jobs at issue in this case  
26 are substantially equal or similar is a question of fact for the factfinder. (See *Beck-Wilson v. Principi*  
27 (2006) 441 F.3d 353, 363; see also *Tomka v. Seiler Corp.* (2d. Cir. 1995) [“it is for the trier of fact to  
28 decide if [there] is a significant enough difference in responsibility to make the jobs unequal”].) Plaintiffs

1 have submitted sufficient evidence from which the factfinder could conclude Plaintiffs have established  
2 the first element of their EPA claim on a class-wide basis. The question before the Court now is not  
3 whether Google’s job code categorize jobs on the basis of substantially similar or equal skills, effort, and  
4 responsibility, but whether Plaintiffs have offered substantial common evidence that they do so. Here,  
5 Plaintiffs and Google have proffered contrary, but common evidence – expert opinion based on Google’s  
6 data – upon which they base their respective arguments regarding how Google actually operates.  
7 Common questions therefore predominate.

8 **B. The Second Element of Plaintiffs’ EPA Claim – Whether Women Were**  
9 **Paid Less than Men in the Same Job Codes Presents Predominant**  
10 **Common Questions**

11 With respect to the second element of their EPA claim, Plaintiffs intends to prove to the jury that  
12 women at Google were paid less than men in the same job code through Google’s class-wide data.  
13 Plaintiffs’ expert Professor Neumark ran regression analyses on Google’s data and concluded “most valid  
14 regression models support the conclusion that women are paid significantly less than men doing  
15 substantially similar work.” (Sur-Sur-Reply Declaration of David Neumark, Ph.D., in Support of  
16 Plaintiffs’ Motion for Class Certification [“Neumark Sur-Sur Report”], Ex. A ¶ 2, 10-32, 63, Appx. A; see  
17 also Neumark Report ¶ 8b; Reply Declaration of David Neumark, Ph.D., in Support of Plaintiffs’ Motion  
18 for Class Certification, with Exhibit A [“Neumark Rebuttal Decl.”] ¶¶ 16-36, Tbl. R1 at 8’, 9’.) Such  
19 statistical analyses can be sufficient to establish a prima facie case under the EPA. The EPA does not  
20 require that each and every plaintiff identify one specific individual as comparator. (*Cf. Beck-Wilson,*  
21 *supra*, 441 F.3d at 363.)

22 Google identified “errors” in Professor Neumark’s model and on reply Professor Neumark’s made  
23 three control variable modifications identified by Google. Google further contends that when Professor  
24 Neumark accepted three of the identified errors and corrected his model, it shows women and men are  
25 paid equally, defeating certification. The Court is not persuaded by Google’s attacks on Plaintiffs’  
26 statistical evidence regarding commonality. Presently, the Court is not asked to determine whether  
27 Plaintiffs’ or Google’s expert report is more convincing. Google offers competing control variables to  
28 explain Plaintiffs’ observed pay disparity. Google maintains that these variables refute any claim of  
discrimination. Such class-wide variables are subject to class-wide resolution. (See *Ellis v. Costco*



1 *Wholesale Corp.* (N.D. Cal. 2012) 285 F.R.D. 492, 524; *Houser v. Pritzker* (S.D.N.Y. 2014) 28 F.Supp.3d  
2 222, 243 [“In the end, though both sides have spent a great deal of energy arguing the validity of their  
3 experts’ analyses, the Court need not resolve such ‘battles of the experts’ at this juncture. The question at  
4 this preliminary stage of the litigation is not whether the challenged hiring procedures actually had a  
5 disparate impact or were justified by business necessity, but merely whether those questions can be  
6 resolved on a classwide basis.”].)

7 The parties dispute whether the alleged pay differential will turn on common evidence. This will  
8 entail competing expert analyses of the same class-wide set of pay data. Common questions predominate  
9 with respect to Plaintiffs’ prima facie case under the EPA.

10 **C. Google’s Affirmative EPA Defenses Can Be Litigated on a Class-Wide**  
11 **Basis Using Common Evidence**

12 Google’s asserted affirmative defenses also do not raise individualized issues that predominate  
13 over the common issues of law and fact raised by Plaintiffs. Once a plaintiff shows a gender pay  
14 disparity, the EPA provides an affirmative defense if the employer shows the wage differential is based on  
15 one or more of the following factors (1) a seniority system, (2) a merit system, (3) a system that measures  
16 earnings by quantity or quality of production, or (4) a bona fide factor other than race or ethnicity, such as  
17 education, training, or experience. (Lab. Code § 1197.5, subd. (a)(1).) To establish its affirmative  
18 defense, Google will have the burden to prove the alleged bona fide factor (1) “is not based on or derived  
19 from a sex-based differential in compensation, is job related with respect to the position in question, and  
20 is consistent with a business necessity”, (2) “[e]ach factor relied upon is applied reasonably”, (3) “[t]he  
21 one or more factors relied upon account for the entire wage differential, (4) “[p]rior salary shall not justify  
22 any disparity in compensation.” (Lab. Code § 1197.5, subd. (a)(2).)

23 Google argues that it has a due process right to explain the bona fide reasons why certain  
24 employees are paid differently than others, including the critical nature of a particular role or the  
25 exceptional education or experience of a hire. Proof of Google’s affirmative defenses is susceptible to  
26 expert statistical analysis of Google’s data; and this is common evidence. (See Opp., 14 [citing  
27 Declaration of Ali Saad, Ph.D., in Support of Defendant Google LLC’s Opposition to Motion for Class  
28 Certification [“Saad Decl.”], Ex. A ¶¶ 52-53, Exs. 6-7].) Professor Neumark’s regression analyses

1 account for Google’s bona fide factors, finding that a person’s education, prior experience, tenure at  
2 Google, job location, and performance do not explain compensation disparities. (Neumark Rebuttal Decl.  
3 ¶ 139.) Dr. Saad critiqued that analysis. (See Saad Decl., Ex. A ¶¶ 52-53.) The Neumark and Saad  
4 competing analyses are common evidence that a factfinder can evaluate, along with other evidence of  
5 Google’s actual pay practices, to determine whether bona fide factors account for any gender pay  
6 disparities within job code, *and* whether those factors caused the entire pay disparity as required by the  
7 EPA or whether, as Plaintiffs contend, the pay disparity is caused by an impermissible factor.

8 In *Duran*, the California Supreme Court explained “[n]o case . . . holds that a defendant has a due  
9 process right to litigate an affirmative defense as to each individual class member.” (*Duran, supra*, 59  
10 Cal.4th at 38.) However, “[i]f trial proceeds with a statistical model of proof, a defendant . . . must be  
11 given a chance to impeach that model[.]” (*Id.*) Google will be given such a chance here. The *Duran*  
12 Court noted that representative testimony, sampling, or other procedures employing statistical  
13 methodology may be appropriately used to adjudicate affirmative defenses. (*Id.* at 33.) Here, the  
14 factfinder can ultimately decide which expert is more persuasive using common evidence and whether  
15 Google has established that a bona fide, job-related factors account for the entire gender pay gap.

16 For these reasons, the Court rejects Google’s argument that its defenses are necessarily  
17 individualized. Whether Google applied its bona fide factors consistently within its job codes is  
18 ascertainable through statistical analyses without resorting to individualized proof.

19 **b. Plaintiffs’ UCL Claim**

20 Plaintiffs also assert a claim under the UCL based on two theories of liability. First, Plaintiffs  
21 assert a violation of the EPA would also constitute an “unlawful” act in violation of the UCL. (*Cel-Tech*  
22 *Communications, Inc v. Los Angeles Cellular Telephone Co.* (1999) 20 Cal.4th 163, 180.) Plaintiffs have  
23 identified common evidence for their EPA claim and thus, their UCL claim. Common issues predominate  
24 as to the UCL theory predicated on violation of the EPA.

25 Plaintiffs’ second UCL theory is predicated on Google’s alleged violation of FEHA because (1)  
26 Google had a practice of using prior pay to set the job level at which job candidates were interviewed, and  
27 (2) that practice had a disparate impact on women, with women being hired into lower levels (salary  
28 ranges) than men with comparable experience and education, and thus paid substantially less than those

1 men. FEHA prohibits, *inter alia*, employment discrimination based upon an employee's sex. (Gov. Code  
2 § 12940.) An employer violates FEHA if it implements a facially neutral policy that has a disparate  
3 impact on employees of one gender. (See, e.g., *Stender v. Lucky Stores, Inc.* (N.D. Cal. 1992) 803  
4 F.Supp. 259, 325.) Plaintiffs contend that they will be able to show, based on common evidence, that  
5 Google's pattern and practice of assigning women to lower salary levels at the outset of their employment  
6 than it assigned comparably educated and experienced men had a disparate impact on women because  
7 women had lower prior pay. Plaintiffs intend to establish their prima facie case under a disparate impact  
8 theory through company documents, PMQ testimony and Professor Neumark's analyses. Plaintiffs have  
9 put forth common evidence to support their UCL/FEHA claim. (See Finberg Decl., Ex. B [Ong] at 117:8-  
10 10; 146:4-8; 163:21-164:3; 170:19; 174:4-18; see also Exs. B-C, F-G, H, P, T, V; Finberg Reply Decl.,  
11 Ex. XXX, BBBB.) Plaintiffs contend Professor Neumark's report shows that Google's policy and  
12 practice of assigning women to lower levels based on their prior pay has had a disparate, discriminatory  
13 impact on women, who have historically been paid less than men. (See Neumark Report ¶¶ 8c, 8d, 18-20,  
14 25-65, 81.)

15 Google asserts that (1) it did not have a practice of using prior pay to set level and (2) Professor  
16 Neumark's statistical analyses showing women's lower prior pay drives level and results in women being  
17 assigned to lower pay levels than men with comparable education and experience are not persuasive.  
18 These are common merits-based factual issues. For example, Google presents common evidence of its  
19 own from its expert, Dr. Saad, to dispute that Google had a common practice of considering prior pay  
20 information. The factfinder can weigh this contrary common evidence and determine whether or not  
21 Google had a policy of using prior pay to set salaries at Google, and whether or not that policy had a  
22 disparate impact on women. (See *Jones v. Farmers Ins. Exch.* (2013) 221 Cal.App.4th 986, 996 [the  
23 existence of a uniform policy is a factual question that is common to all class members and is amenable to  
24 class treatment]; see also *Brinker, supra*, 53 Cal.4th at 1033 ["Claims alleging that a uniform policy  
25 consistently applied to a group of employees is in violation of the wage and hour laws are of the sort  
26 routinely, and properly, found suitable for class treatment."].) No individualized issues interfere with  
27 class treatment of the UCL claim.

28 **c. Plaintiffs' Other Claims**

1 Plaintiffs' claim for declaratory relief is derivative of the EPA and UCL claims and can be proven  
2 by the same common evidence discussed above. Plaintiffs' claim for waiting time penalties is largely  
3 derivative of their EPA claim. Plaintiffs intend to show willfulness through common evidence that

4 [REDACTED]  
5 [REDACTED]

6 (See Motion, 23 [citing Finberg Decl., Exs. HHH, III, KKK].) Accordingly, these claims can also be  
7 resolved through common evidence.

8 The Court finds that Plaintiffs' EPA, UCL, declaratory relief and waiting time penalties claims  
9 and Google's defenses to those claims can be resolved through the presentation of common evidence.  
10 Because Plaintiffs' claims can be resolved through common evidence, common issues predominate over  
11 any individualized issues with respect to Plaintiffs' claims.

12 **d. Superiority**

13 The Court finds that because this case can be adjudicated using common evidence, proceeding as a  
14 class action is superior to requiring thousands of putative class members to pursue individual claims.  
15 Trial will consist of PMQ testimony, Google's corporate documents, and expert analyses. (See Finberg  
16 Decl. ¶¶ 31-38.) It is more efficient to adjudicate these claims only once using common evidence rather  
17 than in separate individual trials, which would be wasteful and redundant.

18 **III. Typicality and Adequacy**

19 **a. Background Law**

20 "Adequacy of representation depends on whether the plaintiff's attorney is qualified to conduct the  
21 proposed litigation and [whether] the plaintiff's interests are ... antagonistic to the interests of the class."  
22 (*McGhee v. Bank of America* (1976) 60 Cal.App.3d 442, 450.) "It is axiomatic that a putative  
23 representative cannot adequately protect the class if his interests are antagonistic to or in conflict with the  
24 objectives of those he purports to represent. But only a conflict that goes to the very subject matter of the  
25 litigation will defeat a party's claim of representative status." (*Richmond v. Dart Indus., Inc.* (1981) 29  
26 Cal.3d 462, 470.) In addition, the typicality element requires that a representative plaintiff have claims  
27 that are similar, although not necessarily identical, to the remainder of the class. (*Classen v. Weller* (1983)  
28 145 Cal.App.3d 27, 46.)

1           **b.     Typicality**

2           Google argues Plaintiffs' claims are not typical of the putative class because (1) Ms. Lamar and  
3 Ms. Wisuri were paid more than Professor Neumark's model predicts and (2) multiple putative class  
4 members reported no discrimination in hiring, leveling, compensation setting, or any other practices.  
5 Google's arguments do not defeat typicality. First, that Plaintiffs Lamar and Wisuri were paid more than  
6 Professor Neumark's model predicted does not necessarily mean they were not paid less than men doing  
7 substantially or similar work. (See Neumark Decl. ¶ 63; see also Neumark Rebuttal Decl. ¶ 124.)  
8 Second, that Google's thirteen current employees declare they do not believe they were discriminated  
9 against does not undermine typicality. (See *Martinez v. Joe's Crab Shack Holdings* (2014) 231  
10 Cal.App.4th 362, 375 ["The test of typicality is whether plaintiffs, and whether other class members have  
11 been injured by the same course of conduct."] [internal quotations and citation omitted].) Without taking  
12 any position on the accuracy of the analysis, the Court notes Professor Neumark's analysis indicates that  
13 Google's thirteen declarants were paid less than men in the same job codes, even though they do not  
14 believe they were victims of discrimination. (See *id.* at ¶ 124.)

15           The typicality requirement is satisfied.

16           **b.     Adequacy of Plaintiffs**

17           Google asserts because Plaintiffs and the putative class members include managers and hiring  
18 committee members who made the very leveling and compensation decisions challenged by the class,  
19 certification is prevented. Specifically, Google points to the testimony of named plaintiff Holly Pease that  
20 she did not discriminate in her actions in hiring, leveling, and/or compensation setting. (See Opp., 23  
21 [citing Pease Tr. 141:13-142:3].) The Court finds there is no actual, significant conflict here that goes to  
22 the very subject matter of the litigation making named plaintiffs inadequate. Plaintiffs contend, and have  
23 submitted evidence supporting their contention that women managers, like non-supervisory employees,  
24 (1) are paid less than men in the same job code and (2) women managers hired before August 2017, were  
25 subject to the Google recruiters' practice of using prior pay to set interview level. Non-managers and  
26 managers have no conflict, and can be part of the same class, where, as here, they have coextensive  
27 interests and the company's practices affect employees equally. (See *Stanton v. Boeing* (9th Cir. 2003)  
28 327 F.3d 938, 958-959.)

1           Moreover, Google’s liability under the EPA and FEHA does not turn on the cause of the pay  
2 disparity. (See *Green v. Par Pools, Inc.* (2003) 111 Cal.App.4th 620, 626 [In the equal pay context, the  
3 burden shifting test requires only that the plaintiff must show that the employer pays workers of one sex  
4 more than workers of the opposite sex for equal work. If plaintiff does so, the employer then has the  
5 burden of showing that one of the exceptions listed in section 1197.5 is applicable. If the employer does  
6 so, the employee may show that the employer’s stated reasons are pretextual.”] [internal citations  
7 omitted]; see also *Sisemore v. Master Financial, Inc.* (2007) 151 Cal.App.4th 1386, 1409 [“a FEHA  
8 violation may be shown (as provided in section 12955.8, subdivision (b)) by establishing that an act  
9 prohibited by FEHA “has the effect, regardless of intent, of unlawfully discriminating on the basis of ...  
10 sex”].) Since intent is not an element of a prima facie case under the EPA or a disparate impact theory  
11 under FEHA, the declarants statements that they did not discriminate in their pay decisions is irrelevant.  
12 (Compare *Moussouris v. Microsoft Corp.* (2019) 799 Fed.Appx. 459, 462 [where managers had broad  
13 discretion over how to conduct reviews, as well as over the decisions that they made at those meetings the  
14 court found a conflict of interest] with *Stanton v. Boeing Co.* (2003) 327 F.3d 938, 958-959 [where named  
15 plaintiffs alleged a general discriminatory policy and the requested relief applied equally throughout the  
16 class of two or more sets of employees the court found there were no conflicts between class members  
17 sufficient to defeat certification].)

18           Lastly, Plaintiffs are not inadequate for failure to exhaust FEHA administrative remedies where  
19 they are solely alleging a FEHA violation as a predicate for a UCL claim. (See *Rojo v. Kliger* (1990) 52  
20 Cal.3d 65, 88 [“although an employee must exhaust the FEHA administrative remedy before bringing suit  
21 on a cause of action under the act or seeking the relief provided therein, exhaustion is not required before  
22 filing a civil action for damages alleging nonstatutory causes of action”].)

23           Named plaintiffs are adequate.

24           **c.       Adequacy of Counsel**

25           Plaintiffs’ counsel is qualified to conduct the proposed litigation. Counsel has experience  
26 litigating class actions to enforce federal and state wage and anti-discrimination laws. (Finberg Decl. ¶¶  
27 4-30; Dermody Decl. ¶¶ 4-10.) The Court finds Plaintiffs’ counsel adequate.

1 **CONCLUSION**

2 The Court **GRANTS** Plaintiffs' motion for class certification.

3 The Court Orders as follows:

4 1. The following class for Plaintiffs' (1) EPA claim and (2) UCL claim with the EPA  
5 predicate is hereby CERTIFIED pursuant to Code of Civil Procedure §382:

6 "All women employed by Google in a Covered Position in California at any time  
7 from September 14, 2013 through the date of trial in this action." The Covered  
8 Positions are identified in the Exhibit attached to this order.

9 2. The following subclass for Plaintiffs' UCL claim with the FEHA predicate is  
10 hereby CERTIFIED pursuant to Code of Civil Procedure §382:

11 "All women employed by Google in a Covered Position in California at any time  
12 from September 14, 2013 through the date of trial in this action, excluding campus  
13 hires and women hired after August 28, 2017."

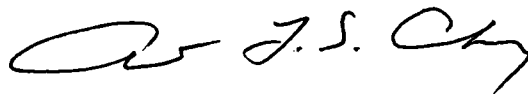
14 3. Kelly Ellis, Holly Pease, Kelli Wisuri, and Heidi Lamar are appointed as Class  
15 Representatives.

16 4. The law firms of Altshuler Berzon LLP and Lief Cabraser Heimann &  
17 Bernstein, LLP are appointed as Class Counsel.

18 5. The parties shall meet and confer about the format and procedures for notifying  
19 the class. A proposed order regarding notice procedures, and a proposed notice shall be  
20 submitted to the Court no later than **June 17, 2021**.

21 IT IS SO ORDERED.

22 Dated: May 27, 2021



23 ANDREW Y.S. CHENG  
24 Judge of the Superior Court

# **EXHIBIT 1**



Attachment 1

"Business Systems Integrator"				Covered
Job Code	Job Title	Job Family	Job Level	Position
3071	Business Systems Analyst II	Business Systems Analyst	3	X
3072	Business Systems Analyst III	Business Systems Analyst	4	X
3073	Sr. Business Systems Analyst	Business Systems Analyst	5	X
3075	Staff Business Systems Analyst	Business Systems Analyst	6	X

"Field Technician"				Covered
Job Code	Job Title	Job Family	Job Level	Position
274	DNU - IT Resident, Fieldtech II	Corporate Operations Engineering	1	X
1012	DNU - IT Resident, Fieldtech	Corporate Operations Engineering	1	X

"Network Engineer"				Covered
Job Code	Job Title	Job Family	Job Level	Position
3002	Network Engineer II	Network Engineer	3	X
3003	Network Engineer III	Network Engineer	4	X
3004	Senior Network Engineer	Network Engineer	5	X
3006	Staff Network Engineer	Network Engineer	6	X
3009	Senior Staff Network Engineer	Network Engineer	7	X
3012	Network Engineer II (Surveillance)	Network Engineer	3	X
3013	Network Engineer III (Surveillance)	Network Engineer	4	X
3014	Senior Network Engineer (Surveillance)	Network Engineer	5	X
3017	Network Engineer I (Surveillance)	Network Engineer	2	X
3018	Network Engineer I (Corp)	Network Engineer	2	X
3319	DNU - Network Engineer I (Deployment)	DNU - Network Installation	2	X
3328	DNU - Network Engineer II (Deployment)	DNU - Network Installation	3	X
3329	DNU - Network Engineer III (Deployment)	DNU - Network Installation	4	X
3330	DNU - Senior Network Engineer (Deployment)	DNU - Network Installation	5	X

Deposition Exhibit 503  
 PMQ for Google: Bucick  
 Date: October 11, 2018  
 Reporter: Jane Grossman, CSR No. 5225

# Attachment I

"Operations Engineer"			
Job Code	Job Title	Job Family	Covered Position
234	Fixed Term Geo Operations Engineer	Corporate Operations Engineering	X
3465	Senior Corporate Operations Engineer	Corporate Operations Engineering	X
3471	DNU - Corporate Operations Engineer	Corporate Operations Engineering	X
3472	Corporate Operations Engineer I	Corporate Operations Engineering	X
3473	Corporate Operations Engineer II	Corporate Operations Engineering	X
3474	Corporate Operations Engineer III	Corporate Operations Engineering	X
3479	Executive Corporate Operations Engineer I	Corporate Operations Engineering	X
3480	Executive Corporate Operations Engineer II	Corporate Operations Engineering	X
3481	Executive Corporate Operations Engineer III	Corporate Operations Engineering	X
4702	Operations Engineer I	Technical Operations	X
4704	Operations Engineer II	Technical Operations	X
4706	Operations Engineer III	Technical Operations	X

"Product Manager"			
Job Code	Job Title	Job Family	Covered Position
1765	Product Specialist Manager I	Sales - Product Specialists	X
1766	Product Specialist Manager II	Sales - Product Specialists	X
1767	Product Specialist Manager III	Sales - Product Specialists	X
5001	Associate Product Manager I A	Product Management	X
5002	Product Manager I	Product Management	X
5003	Product Manager II	Product Management	X
5004	Associate Product Manager II A	Product Management	X
5005	Product Manager III	Product Management	X
5006	Sr Product Manager	Product Management	X
5012	Group Product Manager	Product Management	X
5203	DNU - Business Product Manager I	Product Management	X
5204	DNU - Business Product Manager II	Product Management	X
5205	DNU - Business Product Manager III	Product Management	X
5206	DNU - Sr Business Product Manager	Product Management	X
5208	DNU - Group Business Product Manager	Product Management	X
6588	Associate Product Manager I B	Product Management	X
6589	Associate Product Manager II B	Product Management	X

# Attachment 1

Product Marketing Manager				Job Level	Position	Covered
Job Code	Job Title	Job Family	Job Level	Position	Covered	
5101	Assoc Product Marketing Manager I	Product Marketing Manager	3		X	
5102	Product Marketing Manager I	Product Marketing Manager	4		X	
5103	Product Marketing Manager II	Product Marketing Manager	5		X	
5104	Assoc Product Marketing Manager II	Product Marketing Manager	6		X	
5105	Product Marketing Manager III	Product Marketing Manager	7		X	
5106	Senior Product Marketing Manager	Product Marketing Manager	7		X	
5108	Group Product Marketing Manager	Product Marketing Manager	7		X	
25101	DMU - Assoc Product Marketing Manager I	Product Marketing Manager	3		X	

Project Manager				Job Level	Position	Covered
Job Code	Job Title	Job Family	Job Level	Position	Covered	
3934	Global Order Mgmt/Logistics Ops Project Manager I	VMO Order Management/Logistics	4		X	
3935	Global Order Management/Logistics Ops Project Manager II	VMO Order Management/Logistics	5		X	

Site Reliability Software Engineer				Job Level	Position	Covered
Job Code	Job Title	Job Family	Job Level	Position	Covered	
1019	SWE-SRE II	Site Reliability Engineer - Software Engineer	3		X	
1020	SWE-SRE III	Site Reliability Engineer - Software Engineer	4		X	
1021	Mgr I, SWE-SRE	Site Reliability Engineer - Software Engineer	5		X	
1022	Sr. SWE-SRE	Site Reliability Engineer - Software Engineer	5		X	
1023	Mgr II, SWE-SRE	Site Reliability Engineer - Software Engineer	6		X	
1024	Staff SWE-SRE	Site Reliability Engineer - Software Engineer	6		X	
1025	Mgr, SWE-SRE III	Site Reliability Engineer - Software Engineer	7		X	
1026	Senior Staff SWE-SRE	Site Reliability Engineer - Software Engineer	7		X	
3346	Principal Software Engineer - SRE	Site Reliability Engineer - Software Engineer	8		X	

# Attachment 1

Job Code	Job Title	Job Family	Job Level	Covered Position
1000	DNU - Mgr II, SysAdmin - SRE	Site Reliability Engineer - Sys Eng.	7	X
1029	DNU - Sys Admin - SRE II	Site Reliability Engineer - Sys Eng.	3	X
1030	DNU - Sys Admin - SRE III	Site Reliability Engineer - Sys Eng.	4	X
1032	DNU - Sr. Sys Admin - SRE	Site Reliability Engineer - Sys Eng.	5	X
1034	DNU - Staff SysAdmin - SRE	Site Reliability Engineer - Sys Eng.	6	X
2430	Principal SRE - Sys Eng	Site Reliability Engineer - Sys Eng.	8	X
10001	Mgr III, SRE - Sys Eng	Site Reliability Engineer - Sys Eng.	7	X
10282	SRE - Sys Eng I	Site Reliability Engineer - Sys Eng.	2	X
10291	SRE - Sys Eng II	Site Reliability Engineer - Sys Eng.	3	X
10301	SRE - Sys Eng III	Site Reliability Engineer - Sys Eng.	4	X
10311	Mgr I, SRE - Sys Eng	Site Reliability Engineer - Sys Eng.	5	X
10321	Senior SRE - Sys Eng	Site Reliability Engineer - Sys Eng.	5	X
10331	Mgr II, SRE - Sys Eng	Site Reliability Engineer - Sys Eng.	6	X
10341	Staff SRE - Sys Eng	Site Reliability Engineer - Sys Eng.	6	X
10671	Senior Staff SRE - Sys Eng.	Site Reliability Engineer - Sys Eng.	7	X

Job Code	Job Title	Job Family	Job Level	Covered Position
2129	Systems Administrator I	Systems Admin	2	X
3503	Systems Administrator II	Systems Admin	3	X
3504	Systems Administrator III	Systems Admin	4	X
3506	Sr. Systems Administrator	Systems Admin	5	X

Job Code	Job Title	Job Family	Job Level	Covered Position
3550	Technical Writer I	Technical Writers	2	X
3552	Technical Writer II	Technical Writers	3	X
3553	Technical Writer III	Technical Writers	4	X
3554	Senior Technical Writer	Technical Writers	5	X
3556	Staff Technical Writer	Technical Writers	6	X
3557	Sr Staff Technical Writer	Technical Writers	7	X

# Attachment I

"UX Engineer"			
Job Code	Job Title	Job Family	Covered Job Level Position
5567	UX Engineer I	UX Engineering	2 X
5569	UX Engineer II	UX Engineering	3 X
5570	UX Engineer III	UX Engineering	4 X
5571	Senior UX Engineer	UX Engineering	5 X
5572	Staff UX Engineer	UX Engineering	6 X
5582	Senior Staff UX Engineer	UX Engineering	7 X

"UX Researcher"			
Job Code	Job Title	Job Family	Covered Job Level Position
3600	UX Researcher I	UX Researcher	2 X
3602	UX Researcher II	UX Researcher	3 X
3603	Sr. UX Researcher	UX Researcher	5 X
3605	UX Researcher III	UX Researcher	4 X
3607	Staff UX Researcher	UX Researcher	6 X
3609	Senior Staff UX Researcher	UX Researcher	7 X

"Technical Program Manager"			
Job Code	Job Title	Job Family	Covered Job Level Position
1933	DNU - Technical Program Manager III	DNU - Sales - Technical Program Manager	5 X
3101	DNU - TPM - Associate Program Manager	Technical Program Management	2 X
3102	Technical Program Manager I	Technical Program Management	3 X
3103	Technical Program Manager II	Technical Program Management	4 X
3104	Technical Program Manager III	Technical Program Management	5 X
3105	Technical Program Manager V	Technical Program Management	7 X
3106	Technical Program Manager IV	Technical Program Management	6 X
6191	Google Cloud, Technical Program Manager II	Enterprise Technical Program Manager	3 X
6192	Google Cloud, Technical Program Manager III	Enterprise Technical Program Manager	4 X
6193	Google Cloud, Senior Technical Program Manager	Enterprise Technical Program Manager	5 X
6195	Google Cloud, Staff Technical Program Manager	Enterprise Technical Program Manager	6 X

# Attachment 1

Job Code	Job Title	Job Family	Job Level	Covered Position
225	Fixed Term Associate Program Manager I	Program Manager	1	X
227	Fixed Term Associate Program Manager II	Program Manager	2	X
3140	Associate Program Manager	Program Manager	2	X
3142	Program Manager I	Program Manager	3	X
3143	Program Manager II	Program Manager	4	X
3144	Program Manager III	Program Manager	5	X
3145	Sr Program Manager I	Program Manager	6	X
3146	Sr Program Manager II	Program Manager	7	X
4331	Program Manager - Real Estate Specialist	Program Manager	3	X
6311	Google Cloud, Program Manager I	Enterprise Program Manager	2	X
6313	Google Cloud, Program Manager II	Enterprise Program Manager	3	X
6314	Google Cloud, Program Manager III	Enterprise Program Manager	4	X
6315	Google Cloud, Senior Program Manager	Enterprise Program Manager	5	X
6316	Google Cloud, Staff Program Manager	Enterprise Program Manager	6	X
6317	Google Cloud, Sr. Staff Program Manager	Enterprise Program Manager	7	X
6457	DNU - Google Cloud, Program Manager I - New Products	DNU - Temporary Company Plan	2	X
6458	DNU - Google Cloud, Program Manager II - New Products	DNU - Temporary Company Plan	3	X
6459	DNU - Google Cloud, Program Manager III - New Products	DNU - Temporary Company Plan	4	X
6460	DNU - Google Cloud, Senior Program Manager - New Products	DNU - Temporary Company Plan	5	X
6461	DNU - Google Cloud, Staff Program Manager - New Products	DNU - Temporary Company Plan	6	X
6463	DNU - Google Cloud, Sr. Staff Program Manager - New Products	DNU - Temporary Company Plan	7	X
6464	DNU - Google Cloud, Senior Staff Program Manager - New Products	DNU - Temporary Company Plan	7	X
6465	DNU - Google Cloud, Senior Staff Program Migr - New Products	DNU - Temporary Company Plan	7	X

# Attachment 1

"Software Engineer, Sr. Software Engineer, Staff Software Engineer, Sr. Staff Software Engineer"				
Job Code	Job Title	Job Family	Job Level	Covered Position
3403	Software Engineer II	Software Engineer	3	X
3404	Software Engineer III	Software Engineer	4	X
3405	Senior Software Engineer	Software Engineer	5	X
3407	Staff Software Engineer	Software Engineer	6	X
3409	Senior Staff Software Engineer	Software Engineer	7	X
3411	Principal Software Engineer	Software Engineer	8	X
3413	Distinguished Software Engineer	Software Engineer	9	X
3721	Software Engineer, Tools and Infrastructure II	Software Engineer, Tools and Infrastructure	3	X
3722	Software Engineer, Tools and Infrastructure III	Software Engineer, Tools and Infrastructure	4	X
3723	Sr. Software Engineer, Tools and Infrastructure	Software Engineer, Tools and Infrastructure	5	X
3724	Staff Software Engineer, Tools and Infrastructure	Software Engineer, Tools and Infrastructure	6	X
3725	Sr Staff Software Engineer, Tools and Infrastructure	Software Engineer, Tools and Infrastructure	7	X
3995	DNV - MTS - Staff Software Engineer	ENG_MEMBER	6	X
4374	DeepMind Software Engineer II	DeepMind	3	X
4378	DeepMind Senior Staff Software Engineer	DeepMind	7	X
6565	Engineer I - Fixed Term	Software Engineer	2	X

"Software Engineer Manager, Sr. Software Engineer Manager"				
Job Code	Job Title	Job Family	Job Level	Covered Position
3350	Engineering Manager I - SWE	Engineering Manager - SWE	5	X
3351	Engineering Manager II - SWE	Engineering Manager - SWE	6	X
3352	Engineering Manager III - SWE	Engineering Manager - SWE	7	X
3406	Mgr. Software Engineering I	Software Engineer Manager	5	X
3408	Mgr. Software Engineering II	Software Engineer Manager	6	X
3410	Mgr. Software Engineering III	Software Engineer Manager	7	X
3726	Mgr. Software Engineer, Tools and Infrastructure I	Software Engineer, Tools and Infrastructure	5	X
3727	Mgr. Software Engineer, Tools and Infrastructure II	Software Engineer, Tools and Infrastructure	6	X
3728	Mgr. Software Engineer, Tools and Infrastructure III	Software Engineer, Tools and Infrastructure	7	X

# Attachment I

"Sr. Manager for Business Systems Integration"			
Job Code	Job Title	Job Family	Covered Position
3074	Mgr., Business Systems Analyst I	Business Systems Analyst	X
3076	Mgr., Business Systems Analyst II	Business Systems Analyst	X
3078	Mgr., Business Systems Analyst III	Business Systems Analyst	X

"Account Executive"			
Job Code	Job Title	Job Family	Covered Position
5269	DNU - Inside Sales Account Executive - Wildfire	Inside Sales - Wildfire	X
6400	Inside Sales Account Executive	Inside Sales	X

"Sales Representative"			
Job Code	Job Title	Job Family	Covered Position
1971	Sales Representative II	Global Sales	X
1972	Sales Consultant	Global Sales	X
1973	Senior Sales Consultant	Global Sales	X
1974	DNU - Senior Sales Consultant II	Global Sales	X
2174	DNU - Inside Sales Representative	Commerce Inside Sales	X
5267	DNU - Inside Sales Representative - Wildfire	Inside Sales - Wildfire	X
5268	DNU - Inside Sales Senior Representative - Wildfire	Inside Sales - Wildfire	X
5332	PBS ONLY - Sales Representative I	Global Sales	X
6173	Google Cloud, Inside Sales Rep	Enterprise Inside Sales	X
6174	Google Cloud, Sr. Inside Sales Rep	Enterprise Inside Sales	X
6182	Google Cloud, Assoc Inside Sales Rep	Enterprise Inside Sales	X
6402	Inside Sales Representative	Inside Sales	X
6403	Inside Sales Senior Representative	Inside Sales	X



# Attachment 1

Job Code	Job Title	Job Family	Job Level	Covered Position
1183	Google for Work, Renewal Account Manager I	Enterprise Renewals Manager	3	X
1184	Google for Work, Renewal Account Manager II	Enterprise Renewals Manager	4	X
2083	DNU - Creative Technical Account Manager II	Rich Media Creative Technical Account Manager	3	X
2084	DNU - Creative Technical Account Manager III	Rich Media Creative Technical Account Manager	4	X
2088	DNU - Team Lead, Creative Technical Account Manager	Rich Media Creative Technical Account Manager	4	X
2107	DNU - Acc Mgmt Associate (US)	Commerce Account Management	2	X
2109	DNU - Acc Manager	Commerce Account Management	3	X
2110	DNU - Snr Acc Manager	Commerce Account Management	4	X
2111	DNU - Principal Acc Manager	Commerce Account Management	5	X
2141	DNU - Technical Account Manager I	DNU - Technical Account Manager	2	X
5301	Associate Account Manager	Global Sales	2	X
5302	Account Manager	Global Sales	3	X
5303	Snr Account Manager	Global Sales	4	X
5304	Principal Account Manager	Global Sales	5	X
5305	Principal Account Manager II	Global Sales	6	X
6121	DNU - Technical Account Manager III	DNU - Technical Account Manager	4	X
6125	DNU - Senior Technical Account Manager	DNU - Technical Account Manager	5	X
6126	DNU - Staff Technical Account Manager	DNU - Technical Account Manager	6	X
6184	Google Cloud, Account Mgr I	Enterprise Direct Sales	4	X
6185	Google Cloud, Account Mgr II	Enterprise Direct Sales	5	X
6186	Google Cloud, Account Mgr III	Enterprise Direct Sales	6	X
6187	DNU - Google for Work, Senior Account Mgr	Enterprise Direct Sales	7	X
6249	DNU - Google for Work, Account Mgr IV	Enterprise Direct Sales	6	X
6250	DNU - Google for Work, Sr. Account Manager II	Enterprise Direct Sales	7	X
6251	Google Cloud, Sr. Account Manager III	Enterprise Direct Sales	7	X
6285	DNU - PSO Technical Account Manager II	PSO Technical Account Manager	3	X
6286	DNU - PSO Technical Account Manager III	PSO Technical Account Manager	4	X
6287	DNU - PSO Senior Technical Account Manager	PSO Technical Account Manager	5	X
6289	DNU - PSO Staff Technical Account Manager	PSO Technical Account Manager	6	X
7512	DNU - Associate Account Manager, OPG Sales	DNU - Online Partnership Group - Dedicated	3	X
7513	DNU - Account Manager, OPG Sales	DNU - Online Partnership Group - Dedicated	4	X
7514	DNU - Sr. Account Manager, OPG Sales	DNU - Online Partnership Group - Dedicated	5	X

# Attachment 1

"Enterprise Sales Operations Associate"				
Job Code	Job Title	Job Family	Job Level	Covered Position
1816	Sales Operations Associate	Sales - Sales Operations Core	3	X
1817	Sales Operations Senior Associate	Sales - Sales Operations Core	4	X
1854	Sales Operations Associate Lead	Sales - Sales Operations Core	5	X
6223	Google Cloud, Sales Operations Associate	Enterprise Sales Operations	3	X
6224	Google Cloud, Sales Operations Sr Associate	Enterprise Sales Operations	4	X

"Enterprise Sales Operations Coordinator"				
Job Code	Job Title	Job Family	Job Level	Covered Position
1852	Sales Operations Coordinator	Sales - Sales Operations Core	2	X
6239	Google Cloud, Sales Operations Coordinator (US)	Enterprise Sales Operations	2	X

"Sales Solution Senior Associate"				
Job Code	Job Title	Job Family	Job Level	Covered Position
2655	Sales Solution Senior Associate	Sales Solutions	3	X

"Preschool Teacher, Infant/Toddler Teacher"				
Job Code	Job Title	Job Family	Job Level	Covered Position
1497	Children's Center, Teacher I	Benefits - Child Care	1	X
1498	Children's Center, Teacher II	Benefits - Child Care	2	X
1499	Children's Center, Teacher III	Benefits - Child Care	3	X

**CERTIFICATE OF ELECTRONIC SERVICE**  
(CCP 1010.6(6) & CRC 2.260(g))

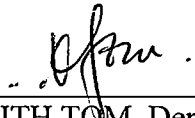
I, KEITH TOM, a Deputy Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On May 27, 2021, I electronically served the ATTACHED DOCUMENT(S) via File&ServeXpress on the recipients designated on the Transaction Receipt located on the File&ServeXpress website.

Dated: May 27, 2021

T. Michael Yuen, Clerk

By: \_\_\_\_\_

  
KEITH TOM, Deputy Clerk