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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

APRIL CURLEY, DESIREE MAYON,
RONIKA LEWIS, RAYNA REID, ANIM
AWEH, and EBONY THOMAS, individually
and on behalf of all others similarly situated,

Plaintiff,

vs.

GOOGLE LLC,

Defendant.

CASE NO. 3:22-CV-01735-AMO

**DEFENDANT GOOGLE LLC'S
ANSWER AND DEFENSES TO THIRD
AMENDED COMPLAINT**

2 TO: PLAINTIFFS APRIL CURLEY, DESIREE MAYON, RONIKA LEWIS, RAYNA REID,
3 ANIM AWEH, AND EBONY THOMAS, AND THEIR ATTORNEYS OF RECORD:

4 Defendant Google LLC (“Defendant”), for itself alone and no other defendants, hereby
5 answers the Third Amended Complaint (“Complaint”) of Plaintiffs April Curley, Desiree Mayon,
6 Ronika Lewis, Rayna Reid, Anim Aweh, And Ebony Thomas (“Plaintiffs”) as follows:

7 **NATURE OF THE ACTION**

8 1. Google admits that its Code of Conduct has incorporated the phrase “don’t be
9 evil.” Except as expressly admitted herein, Google denies, generally and specifically, each and
10 every remaining allegation in paragraph 1 of the Third Amended Complaint.

11 2. Google denies the allegations in paragraph 2 of the Third Amended Complaint.

12 3. Google admits that it hired Plaintiff Curley in 2014 in the role of Student
13 Development Specialist, Diversity. Except as expressly admitted herein, Google denies,
14 generally and specifically, each and every remaining allegation in paragraph 3 of the Third
15 Amended Complaint.

16 4. Google lacks sufficient information on which to form a belief as to the truth of the
17 allegations regarding Plaintiff Curley’s state of mind, and on that basis denies that allegation.
18 Google denies, generally and specifically, each and every remaining allegation in paragraph 4 of
19 the Third Amended Complaint.

20 5. Google admits that Plaintiff Thomas applied for and was interviewed for a role at
21 Google and ultimately was not selected for the position, but avers that the decision was made for
22 legitimate, non-discriminatory reasons. Google further admits that Plaintiff Aweh applied for
23 and was not selected for several open roles, but avers that the decisions were made for
24 legitimate non-discriminatory reasons. Except as expressly admitted herein, Google denies,
25 generally and specifically, each and every remaining allegation in paragraph 5 of the Third
26 Amended Complaint.

2 6. Google admits that Plaintiffs purport to bring this action on behalf of themselves
3 and an alleged class of current and former employees and rejected applicants who identify as
4 Black. Except as expressly admitted herein, Google denies, generally and specifically, each and
5 every remaining allegation in paragraph 6 of the Third Amended Complaint.

6 **JURISDICTION AND VENUE**

7 7. The allegations in paragraph 7 of the Third Amended Complaint state legal
8 conclusions to which no response is required. To the extent that a response is required, Google
9 denies, generally and specifically, the allegations of paragraph 7, except admits that Plaintiffs
10 purport to bring this action pursuant to the statutes cited therein.

11 8. Google admits that it is headquartered and conducts business in this judicial
12 district. The remaining allegations in paragraph 8 of the Third Amended Complaint state legal
13 conclusions to which no response is required. To the extent a response is required, Google
14 denies, generally and specifically, each and every remaining allegation in paragraph 8 of the
15 Third Amended Complaint.

16 **PARTIES**

17 9. Google admits that it develops and sells, inter alia, technology products and
18 services. Google further admits that it was originally incorporated as Google Inc. Google further
19 admits that it is now a wholly-owned subsidiary of XXVI Holdings, Inc., which is incorporated
20 in Delaware with a principal place of business in Mountain View, California. Google avers that
21 the revenues of its publicly-traded corporate parent, Alphabet Inc., are reflected in Alphabet's
22 form 10-K, which speaks for itself. Except as expressly admitted herein, Google denies,
23 generally and specifically, each and every remaining allegation in paragraph 9 of the Third
24 Amended Complaint.

25 10. Google admits that it maintains its corporate headquarters at 1600 Amphitheatre
26 Parkway, Mountain View, California, and that it employs tens of thousands of employees in the

2 United States. Except as expressly admitted herein, Google denies, generally and specifically,
3 each and every remaining allegation in paragraph 10 of the Third Amended Complaint.

4 11. Google admits that it employed Plaintiff Curley in New York, New York from
5 August 2014 until December 2018. Google further admits that Plaintiff Curley identifies as a
6 Black or African American woman, according to Google's records. Except as expressly
7 admitted herein, Google denies, generally and specifically, each and every remaining allegation
8 in paragraph 11 of the Third Amended Complaint.

9 12. Google admits that it employed Plaintiff Mayon as a Program Manager from
10 August 2019 until September 2021. Google further admits that Plaintiff Mayon identifies as a
11 Black or African American woman, according to Google's records. Except as expressly
12 admitted herein, Google denies, generally and specifically, each and every remaining allegation
13 in paragraph 12 of the Third Amended Complaint.

14 13. Google admits that it employed Plaintiff Lewis from February 2020 until March
15 2023. Google further admits that Plaintiff Lewis was, at times, assigned to Google's Mountain
16 View, California office. Google further admits that Plaintiff Lewis identifies as a Black or
17 African American woman, according to Google's records. Except as expressly admitted herein,
18 Google denies, generally and specifically, each and every remaining allegation in paragraph 13
19 of the Third Amended Complaint.

20 14. Google admits that it employed Plaintiff Reid as a Sourcing Specialist assigned to
21 its Austin, Texas office from October 2018 until January 2020. Google further admits that
22 Plaintiff Reid identifies as a Black or African American woman, according to Google's records.
23 Except as expressly admitted herein, Google denies, generally and specifically, each and every
24 remaining allegation in paragraph 14 of the Third Amended Complaint.

25 15. Google admits that Plaintiff Aweh applied for positions at Google beginning in or
26 around November 2021, and avers that Aweh declined to voluntarily disclose her race or gender
27

2 on her application form. For that reason, Google's records lack sufficient information on which
3 to form a belief as to the truth of the allegation regarding Plaintiff Aweh's race and gender, but
4 Google admits that Plaintiff Aweh purports to identify as an African American woman. Except
5 as expressly admitted herein, Google denies, generally and specifically, each and every
6 remaining allegation in paragraph 15 of the Third Amended Complaint.

7 16. Google admits that Plaintiff Thomas applied for employment with Google in or
8 around April 2021, and that Plaintiff Thomas purports to identify as an African American
9 woman as reflected in Google's records. Except as expressly admitted herein, Google denies,
10 generally and specifically, each and every remaining allegation in paragraph 16 of the Third
11 Amended Complaint.

12 **FACTUAL ALLEGATIONS**

13 17. Google denies the allegations in paragraph 17 of the Third Amended Complaint.

14 18. Google denies the allegations in paragraph 18 of the Third Amended Complaint.

15 19. Google denies the allegations in paragraph 19 of the Third Amended Complaint.

16 20. In response to paragraph 20 of the Third Amended Complaint, Google avers that
17 its EEO-1 reports since 2014 speak for themselves. Except as expressly admitted herein, Google
18 denies, generally and specifically, each and every remaining allegation in paragraph 20 of the
19 Third Amended Complaint.

20 21. Google denies the allegations in paragraph 21 of the Third Amended Complaint.

21 22. Google denies the allegations in paragraph 22 of the Third Amended Complaint.

22 23. Google denies the allegations in paragraph 23 of the Third Amended Complaint.

23 24. Google admits that each position at the company is generally associated with a
24 "Level," and avers that level is one of several attributes that together make up an employee's
25 role profile. Google further avers that Levels 2 and 3 are typically appropriate for candidates
26 with less work experience in the applied-for position. Except as expressly admitted herein,

Google denies, generally and specifically, each and every remaining allegation in paragraph 24 of the Third Amended Complaint.

25. Google denies the allegations in paragraph 25 of the Third Amended Complaint.

26. Google admits that, generally speaking, target bonus and target equity awards increase as level increases for employees on the company bonus plan. Except as expressly admitted herein, Google denies, generally and specifically, each and every remaining allegation in paragraph 26 of the Third Amended Complaint.

27. Google denies the allegations in paragraph 27 of the Third Amended Complaint.

28. Google denies the allegations in paragraph 28 of the Third Amended Complaint.

29. Google denies the allegations in paragraph 29 of the Third Amended Complaint.

30. In response to paragraph 30 of the Third Amended Complaint, Google avers that its publicly available Annual Diversity Report speaks for itself. Except as expressly admitted herein, Google denies, generally and specifically, each and every remaining allegation in paragraph 30 of the Third Amended Complaint.

31. Google denies the allegations in paragraph 31 of the Third Amended Complaint.

32. Google denies the allegations in paragraph 32 of the Third Amended Complaint.

33. Google denies the allegations in paragraph 33 of the Third Amended Complaint, and each and every one of its subparts.

34. Google admits that it was party to the action styled *Ellis v. Google*, No. CGC-17-561299 (Superior Ct. of S.F. Cnty.) and avers that the publicly-available filings in that matter speak for themselves. Except as expressly admitted herein, Google denies, generally and specifically, each and every remaining allegation in paragraph 34 of the Third Amended Complaint.

35. Google denies the allegations in paragraph 35 of the Third Amended Complaint.

36. Google denies the allegations in paragraph 36 of the Third Amended Complaint.

2 37. Google denies the allegations in paragraph 37 of the Third Amended Complaint.

3 38. Google admits that it employed Plaintiff Curley in a People Programs Specialist I
4 role from August 2014 through September 2020, when her employment was terminated. Google
5 further admits that Plaintiff Curley was assigned to one of Google's New York, New York
6 offices from 2014 until December 2018, when she transferred to Google's Washington D.C.
7 office. Except as expressly admitted herein, Google denies, generally and specifically, each and
8 every remaining allegation in paragraph 38 of the Third Amended Complaint.

9 39. Google admits that one component of Plaintiff Curley's role as a People Programs
10 Specialist I involved efforts to recruit students from Historically Black Colleges and
11 Universities. Google further admits that in the résumé Plaintiff Curley submitted in connection
12 with her application to Google, she purports to have approximately three years of employment
13 as "HBCU Talent Recruiter" for Teach for America; slightly less than two years of employment
14 as "H.S. Social Studies Teacher" at a Baltimore school; and a Master's degree. Google further
15 admits that Plaintiff Curley was assigned to a Level 3 role upon hire, and that Plaintiff Curley
16 did not earn a promotion to a higher level while she was employed. Except as expressly
17 admitted herein, Google denies, generally and specifically, each and every remaining allegation
18 in paragraph 39 of the Third Amended Complaint.

19 40. Google denies the allegations in paragraph 40 of the Third Amended Complaint.

20 41. Google lacks sufficient information on which to form a belief as to the truth of the
21 allegations regarding Plaintiff Curley's state of mind, and on that basis denies that allegation.
22 Google further denies, generally and specifically, each and every remaining allegation in
23 paragraph 41 of the Third Amended Complaint.

24 42. Google denies the allegations in paragraph 42 of the Third Amended Complaint.

25 43. Google denies the allegations in paragraph 43 of the Third Amended Complaint.

26 44. Google denies the allegations in paragraph 44 of the Third Amended Complaint.

2 53. Google admits that in or around January 2020, Curley sought advice from Human
3 Resources about interpersonal conflicts with her then-current manager (also a putative class
4 member). Except as expressly admitted herein, Google denies, generally and specifically, each
5 and every remaining allegation in paragraph 53 of the Third Amended Complaint.

6 54. Google lacks sufficient information on which to form a belief as to the truth of the
7 allegations in paragraph 54 of the Third Amended Complaint, and on that basis denies them.

8 55. Google admits that in or around June 2020, Plaintiff Curley was placed on Step Up
9 Plan, and that Plaintiff Curley subsequently elected to be placed on a Performance Improvement
10 Plan. Except as expressly admitted herein, Google denies, generally and specifically, each and
11 every remaining allegation in paragraph 55 of the Third Amended Complaint.

12 56. Google admits that Plaintiff Curley's employment was terminated in September
13 2020. Except as expressly admitted herein, Google denies, generally and specifically, each and
14 every remaining allegation in paragraph 56.

15 57. Google denies the allegations in paragraph 57 of the Third Amended Complaint.

16 58. Google admits that it employed Plaintiff Mayon as a Program Manager from
17 August 2019 until August 2021. Except as expressly admitted herein, Google denies, generally
18 and specifically, each and every remaining allegation in paragraph 58 of the Third Amended
19 Complaint.

20 59. Google admits that in the résumé Plaintiff Mayon submitted in connection with her
21 application to Google, she purports to have earned two Bachelor's degrees; and to have worked
22 as a "Technical Program Manager" immediately prior to joining Google. Google lacks, and
23 Plaintiff Mayon's résumé does not reflect, sufficient information on which to form a belief as to
24 the truth of the allegations regarding Plaintiff Mayon's prior experience managing technical
25 software projects, coding, or language skills, and on that basis denies that allegation. Except as
26

2 expressly admitted herein, Google denies, generally and specifically, each and every remaining
3 allegation in paragraph 59 of the Third Amended Complaint.

4 60. Google denies the allegations in paragraph 60 of the Third Amended Complaint.

5 61. Google denies the allegations in paragraph 61 of the Third Amended Complaint.

6 62. Google admits that Plaintiff Mayon raised concerns of alleged discrimination and
7 harassment, but avers that these concerns were thoroughly investigated. Except as expressly
8 admitted herein, Google denies, generally and specifically, each and every remaining allegation
9 in paragraph 62 of the Third Amended Complaint.

10 63. Google denies the allegations in paragraph 63 of the Third Amended Complaint.

11 64. Google denies the allegations in paragraph 64 of the Third Amended Complaint.

12 65. Google denies the allegations in paragraph 65 of the Third Amended Complaint.

13 66. Google denies the allegations in paragraph 66 of the Third Amended Complaint.

14 67. Google admits that in 2020, Plaintiff Mayon received a “Needs Improvement”
15 performance rating. Except as expressly admitted herein, Google denies, generally and
16 specifically, each and every remaining allegation in paragraph 67 of the Third Amended
17 Complaint.

18 68. Google admits that Plaintiff Mayon took multiple medical leaves during the course
19 of her employment. Google further admits that Plaintiff Mayon was assigned a new manager
20 upon returning from one of her medical leaves. Except as expressly admitted herein, Google
21 denies, generally and specifically, each and every remaining allegation in paragraph 68 of the
22 Third Amended Complaint.

23 69. Google admits that Plaintiff Mayon was placed on a Performance Improvement
24 Plan during her employment. Except as expressly admitted herein, Google denies, generally and
25 specifically, each and every remaining allegation in paragraph 69 of the Third Amended
26 Complaint.

2 76. Google admits that in 2020, Plaintiff Lewis managed one of the first Verily Project
3 Baseline COVID-19 testing sites, and led various COVID-related projects at .org. Google
4 further admits that Plaintiff Lewis received a “Citizenship Award” in or around July 2020.
5 Except as expressly admitted herein, Google denies, generally and specifically, each and every
6 remaining allegation in paragraph 76 of the Third Amended Complaint.

7 77. Google admits that Plaintiff Lewis nominated herself for a promotion on at least
8 two occasions during her employment, including in Q1 2022 after Plaintiff Lewis received an
9 Exceeds Expectations (3 out of 5) performance rating in Q3 2021. Google further admits that
10 Plaintiff Lewis did not earn a promotion during her employment. Except as expressly admitted
11 herein, Google denies, generally and specifically, each and every remaining allegation in
12 paragraph 77 of the Third Amended Complaint.

13 78. In response to the allegations in paragraph 78 of the Third Amended Complaint,
14 Google avers that in or around October 2020, Plaintiff Lewis applied for and was hired into the
15 Outbound Product Manager role. Google further avers that Plaintiff Lewis transferred into the
16 role at Level 5, and that her level change occurred for legitimate, non-discriminatory reasons.
17 Except as expressly admitted herein, Google denies, generally and specifically, each and every
18 remaining allegation in paragraph 78 of the Third Amended Complaint.

19 79. Google lacks sufficient information on which to form a belief as to the truth of the
20 allegations regarding statements attributed to unnamed “senior-level executives,” and on that
21 basis denies those allegations. Google otherwise denies, generally and specifically, each and
22 every remaining allegation in paragraph 79 of the Third Amended Complaint.

23 80. Google admits that Plaintiff Lewis applied for and was hired into a role within the
24 Cloud Compliance organization, reporting to a different manager. Google further admits that
25 Plaintiff Lewis’s level did not change after the transfer. Except as expressly admitted herein,
26

2 Google denies, generally and specifically, each and every remaining allegation in paragraph 80
3 of the Third Amended Complaint.

4 81. Google lacks sufficient information on which to form a belief as to the truth of the
5 allegations concerning Plaintiff Lewis's "awareness" of non-Black colleagues and their
6 compensation, and on that basis denies that allegation. Google further avers that the allegations
7 concerning "higher performance-based bonuses to non-Black individuals," Lewis's alleged
8 work "assist[ing] with signing new customer contracts and renewals," and Lewis's alleged
9 "participat[ion] in a team that reached a large milestone" are too vague to be susceptible to an
10 answer and consequently are denied. Except as expressly admitted herein, Google denies,
11 generally and specifically, each and every remaining allegation in paragraph 81 of the Third
12 Amended Complaint.

13 82. Google lacks sufficient information on which to form a belief as to the truth of the
14 statements allegedly made by unnamed individuals during Plaintiff Lewis's employment, and on
15 that basis denies those allegations. Google otherwise denies, generally and specifically, each and
16 every remaining allegation in paragraph 82 of the Third Amended Complaint.

17 83. Google denies the allegations in paragraph 83 of the Third Amended Complaint.

18 84. Google admits that Plaintiff Lewis raised concerns regarding the terms and
19 conditions of her employment, which Google thoroughly investigated. Except as expressly
20 admitted herein, Google denies, generally and specifically, each and every remaining allegation
21 in paragraph 84 of the Third Amended Complaint.

22 85. Google denies the allegations in paragraph 85 of the Third Amended Complaint.

23 86. Google admits that Plaintiff Lewis's management structure was impacted by a
24 reorganization in 2022, and avers that Plaintiff Lewis was not working for a substantial period
25 following the change, having taken vacation from approximately June 21, 2022 through August
26 30, 2022. Google further admits that Plaintiff Lewis joined this lawsuit as a named plaintiff on
27

June 30, 2022. (ECF 32.) Plaintiff Lewis was not employed at Google during the 2023 performance review cycle, and on that basis Google denies the allegations regarding her “2023 end-of-year performance review.” Except as expressly admitted herein, Google denies, generally and specifically, each and every remaining allegation in paragraph 86 of the Third Amended Complaint.

87. Google admits that in January 2023, Plaintiff Lewis was informed that her employment was being terminated. Except as expressly admitted herein, Google denies, generally and specifically, each and every remaining allegation in paragraph 87 of the Third Amended Complaint.

88. Google admits that Plaintiff Lewis applied for several open positions in or around March 2023. Except as expressly admitted herein, Google denies, generally and specifically, each and every remaining allegation in paragraph 88 of the Third Amended Complaint.

89. Google admits that Plaintiff Lewis applied to open positions for various Product Manager II, Senior Outbound Product Manager, and Group Outbound Product Manager roles. Except as expressly admitted herein, Google denies, generally and specifically, each and every remaining allegation in paragraph 89 of the Third Amended Complaint.

90. Google denies the allegations in paragraph 90 of the Third Amended Complaint.

91. Google denies the allegations in paragraph 91 of the Third Amended Complaint.

92. Google denies the allegations in paragraph 92 of the Third Amended Complaint.

93. Google denies the allegations in paragraph 93 of the Third Amended Complaint.

94. Google admits that it employed Plaintiff Reid as a Sourcing Specialist from October 2018 until her voluntary resignation in January 2020. Google further admits that in the résumé Plaintiff Reid submitted in connection with her application to Google, she purports to have held a “Senior Director” position at ELR Legal Search; to have earned a Master’s Degree in Education and a law degree; and to have approximately seven years of work experience in

2 various roles, which included serving as the “Education Policy Counsel, Committee on
3 Education & the Workforce, Democratic Staff” for the U.S. House of Representatives. Except as
4 expressly admitted herein, Google denies, generally and specifically, each and every remaining
5 allegation in paragraph 94 of the Third Amended Complaint.

6 95. Google admits that it offered Plaintiff Reid a position as a Sourcing Specialist in
7 its Austin, Texas office, and that Plaintiff Reid relocated there after accepting Google’s offer.
8 Google lacks sufficient information on which to form a belief as to the truth of the allegations
9 regarding Plaintiff Reid’s alleged excitement and whether she left her then-current job to join
10 Google, and on that basis denies that allegation. Except as expressly admitted herein, Google
11 denies, generally and specifically, each and every remaining allegation in paragraph 95 of the
12 Third Amended Complaint.

13 96. Google admits that Plaintiff Reid was assigned to a Level 3 role. Google further
14 admits that Plaintiff Reid did not earn a promotion to a higher level during her employment.
15 Except as expressly admitted herein, Google denies, generally and specifically, each and every
16 remaining allegation in paragraph 96 of the Third Amended Complaint.

17 97. Google admits that in or around February 2019, Plaintiff sought guidance from a
18 member of Human Resources regarding, among other things, an alleged statement by one of her
19 supervisors that Plaintiff Reid did not like Austin, Texas, which Human Resources subsequently
20 investigated. Google lacks sufficient information on which to form a belief as to the truth of the
21 allegation regarding Plaintiff Reid’s state of mind and on that basis denies that allegation.
22 Except as expressly admitted herein, Google denies, generally and specifically, each and every
23 remaining allegation in paragraph 97 of the Third Amended Complaint.

24 98. Google denies the allegations in paragraph 98 of the Third Amended Complaint.

25 99. Google lacks information sufficient to form a belief as to the truth of the
26 allegations regarding alleged statements and actions by unnamed individuals, and on that basis
27

denies those allegations. Google otherwise denies, generally and specifically, each and every remaining allegation in paragraph 99 of the Third Amended Complaint.

100. Google admits that Plaintiff Reid raised concerns of alleged discrimination to her Human Resources business partner, and avers that these concerns were thoroughly investigated. Google further admits that Plaintiff Reid was unrelatedly placed on a Performance Improvement Plan, but avers that the decision was made for legitimate, non-discriminatory and non-retaliatory reasons. Google further admits that Plaintiff Reid's action plan to improve performance involved setting up "coffee chats" with higher performing members of the team. Google lacks sufficient information on which to form a belief as to the truth of the allegations concerning Plaintiff Reid's alleged Google Inclusivity Award and on that basis denies that allegation. Except as expressly admitted herein, Google denies, generally and specifically, each and every remaining allegation in paragraph 100 of the Third Amended Complaint.

101. Google denies the allegations in paragraph 101 of the Third Amended Complaint.

102. Google admits that Plaintiff Reid took medical leave during her employment. Google further admits that Plaintiff Reid voluntarily resigned in January 2020. Except as expressly admitted herein, Google denies, generally and specifically, each and every remaining allegation in paragraph 102 of the Third Amended Complaint.

103. Google denies the allegations in paragraph 103 of the Third Amended Complaint.

104. Google admits that Plaintiff Aweh applied unsuccessfully for at least ten open positions at the company, but avers that Plaintiff Aweh was not hired for those positions for legitimate, non-discriminatory reasons. Except as expressly admitted herein, Google denies, generally and specifically, each and every remaining allegation in paragraph 104 of the Third Amended Complaint.

105. Google admits that Plaintiff Aweh applied for the open position of Mental Health Program Manager on or around October 18, 2021. Google further admits that in the résumé

2 Plaintiff Aweh submitted in connection with this application, she purports to hold a position as
3 “Social Worker” for Southside Medical Center in Atlanta, Georgia; to have earned a Master’s
4 degree in social work; to have “ten years of experience in designing, scaling, and implementing
5 mental health programming”; and to hold two clinical social worker licenses. Except as
6 expressly admitted herein, Google denies, generally and specifically, each and every remaining
7 allegation in paragraph 105 of the Third Amended Complaint.

8 106. Google admits that Plaintiff Aweh participated in four interviews for the Mental
9 Health Program Manager role, including with Google’s Chief Mental Health Advisor for
10 Google Data Centers, and avers that one of Aweh’s interviewers identifies as Black+ according
11 to Google’s records and is therefore a member of the putative class. Except as expressly
12 admitted herein, Google denies, generally and specifically, each and every remaining allegation
13 in paragraph 106 of the Third Amended Complaint.

14 107. Google denies the allegations in paragraph 107 of the Third Amended Complaint.

15 108. Google denies the allegations in paragraph 108 of the Third Amended Complaint.

16 109. Google denies the allegations in paragraph 109 of the Third Amended Complaint.

17 110. Google admits that since February 14, 2022, Plaintiff Aweh applied unsuccessfully
18 for six open positions at the company, five of which relate to mental health, behavioral health,
19 health performance, or well-being. Google further admits that some of these positions were
20 intended to be based out of California or New York, or could be performed remotely. Except as
21 expressly admitted herein, Google denies, generally and specifically, each and every remaining
22 allegation in paragraph 110 of the Third Amended Complaint.

23 111. Google denies the allegations in paragraph 111 of the Third Amended Complaint.

24 112. Google denies the allegations in paragraph 112 of the Third Amended Complaint.

25 113. Google admits that Plaintiff Thomas was invited to apply for an open Recruiter
26 position, to which Plaintiff Thomas applied in or around April 7, 2021. Except as expressly
27

2 admitted herein, Google denies, generally and specifically, each and every remaining allegation
3 in paragraph 113 of the Third Amended Complaint.

4 114. Google admits that in the résumé Plaintiff Thomas submitted in connection with
5 her application for the Recruiter role, she purports to hold a certification in Diversity Recruiting;
6 to have worked as a “Career Development Coach”; and to have held various roles over the
7 course of approximately 10 years, some of which involved IT or technical recruiting. Google
8 further admits that Plaintiff Thomas completed multiple interviews, but avers that she received
9 both positive and negative feedback. Except as expressly admitted herein, Google denies,
10 generally and specifically, each and every remaining allegation in paragraph 114 of the Third
11 Amended Complaint.

12 115. Google admits that it informed Plaintiff Thomas that the company was not moving
13 forward with her application for the Recruiter role at the conclusion of her interviews, but avers
14 that it was for legitimate, non-discriminatory reasons. Except as expressly admitted herein,
15 Google denies, generally and specifically, each and every remaining allegation in paragraph 115
16 of the Third Amended Complaint.

17 116. Google admits that Plaintiff Thomas completed three interviews for the open
18 Recruiter position, and avers that the hiring committee suggested she participate in a fourth
19 interview given the mixed interview feedback from her first three interviewers. Except as
20 expressly admitted herein, Google denies, generally and specifically, each and every remaining
21 allegation in paragraph 116 of the Third Amended Complaint.

22 117. Google denies the allegations in paragraph 117 of the Third Amended Complaint.

23 118. Google lacks information sufficient to form a belief as to the truth of the
24 allegations in paragraph 118 about Thomas’s experience as a diversity recruiter at a professional
25 search firm, and on that basis denies those allegations. Except as expressly admitted herein,
26

Google denies, generally and specifically, each and every remaining allegation in paragraph 118 of the Third Amended Complaint.

119. Google denies the allegations in paragraph 119 of the Third Amended Complaint.

CLASS ALLEGATIONS

120. Google admits that Plaintiffs Curley, Mayon, Lewis, and Reid purport to bring this action on behalf of themselves and an alleged class of current and former employees. Except as expressly admitted herein, Google denies, generally and specifically, each and every remaining allegation in paragraph 120 of the Third Amended Complaint.

121. Google admits that Plaintiffs Aweh, Thomas and Lewis purport to bring this action on behalf of themselves and an alleged class of unsuccessful applicants. Except as expressly admitted herein, Google denies, generally and specifically, each and every remaining allegation in paragraph 121 of the Third Amended Complaint.

122. Google admits that Plaintiff Curley purports to bring this action on behalf of herself and an alleged class of New York-based current and former employees. Except as expressly admitted herein, Google denies, generally and specifically, each and every remaining allegation in paragraph 122 of the Third Amended Complaint.

123. Google admits that Plaintiff Aweh purports to bring this action on behalf of herself and an alleged class of unsuccessful applicants for positions in or based out of New York. Except as expressly admitted herein, Google denies, generally and specifically, each and every remaining allegation in paragraph 123 of the Third Amended Complaint.

124. Google admits that Plaintiffs Aweh and Lewis purport to bring this action on behalf of themselves and an alleged class of unsuccessful applicants for positions in or based out of California. Except as expressly admitted herein, Google denies, generally and specifically, each and every remaining allegation in paragraph 124 of the Third Amended Complaint.

130. The allegations in paragraph 130 of the Third Amended Complaint state legal conclusions to which no response is required. To the extent a response is required, Google denies, generally and specifically, the allegations in paragraph 130 of the Third Amended Complaint.

131. The allegations in paragraph 131 of the Third Amended Complaint state legal conclusions to which no response is required. To the extent a response is required, Google denies, generally and specifically, the allegations in paragraph 131 of the Third Amended Complaint.

COUNT I
RACE DISCRIMINATION AND HOSTILE WORK ENVIRONMENT IN VIOLATION
OF 42 U.S.C. § 1981
(Nationwide Class and Plaintiffs)

132. Google incorporates by reference its responses to the preceding paragraphs as set forth above.

133. The allegations concerning the statutory language and interpretation of 42 U.S.C. § 1981 state legal conclusions to which no response is required. To the extent a response is required, Google avers that the statute speaks for itself, and otherwise denies, generally and specifically, each and every remaining allegation in paragraph 133 of the Third Amended Complaint.

134. Google denies the allegations in paragraph 134 of the Third Amended Complaint.

135. Google denies the allegations in paragraph 135 of the Third Amended Complaint.

COUNT II
RETALIATION IN VIOLATION OF 42 U.S.C. § 1981
(Plaintiffs Curley, Mayon, Lewis, and Reid)

136. Google incorporates by reference its responses to the preceding paragraphs as set forth above.

137. Google denies that Plaintiffs suffered retaliation. The remaining allegations in paragraph 137 of the Third Amended Complaint state legal conclusions to which no response is required. To the extent a response is required, Google denies, generally and specifically, each and every remaining allegation in paragraph 137 of the Third Amended Complaint.

138. Google denies the allegations in paragraph 138 of the Third Amended Complaint.

COUNT III
RACE DISCRIMINATION AND HOSTILE WORK ENVIRONMENT
IN VIOLATION OF TITLE VII, 42 U.S.C. § 2000e, *et seq.*
(Nationwide Class and Plaintiffs Mayon, Lewis and Aweh)

139. Google incorporates by reference its responses to the preceding paragraphs as set forth above.

140. Google admits that Plaintiffs Mayon, Lewis, and Aweh filed charges of race discrimination with the EEOC, which speak for themselves. The remaining allegations concerning Plaintiffs' alleged exhaustion of administrative remedies state a legal conclusion to which no response is required. To the extent a response is required, Google denies, generally and specifically, each and every remaining allegation in paragraph 140 of the Third Amended Complaint.

141. The allegations concerning the statutory language and interpretation of Title VII state legal conclusions to which no response is required. To the extent a response is required, Google avers that the statute speaks for itself, and further denies, generally and specifically, each and every remaining allegation in paragraph 141 of the Third Amended Complaint.

142. Google denies the allegations in paragraph 142 of the Third Amended Complaint.

143. Google denies the allegations in paragraph 143 of the Third Amended Complaint.

COUNT IV
SEX DISCRIMINATION IN VIOLATION OF
TITLE VII, 42 U.S.C. § 2000e, *et seq.*
(Plaintiffs Mayon and Lewis)

144. Google incorporates by reference its responses to the preceding paragraphs as set forth above.

145. Google admits that Plaintiffs Mayon and Lewis filed charges of sex discrimination with the EEOC, which speak for themselves. The remaining allegations concerning Plaintiffs' alleged exhaustion of administrative remedies is a legal conclusion to which no response is

required. To the extent a response is required, Google denies, generally and specifically, each and every remaining allegation in paragraph 145 of the Third Amended Complaint.

146. The allegations concerning the statutory language and interpretation of Title VII state legal conclusions to which no response is required. To the extent a response is required, Google avers that the statute speaks for itself, and otherwise denies, generally and specifically, each and every remaining allegation in paragraph 146 of the Third Amended Complaint.

147. Google denies the allegations in paragraph 147 of the Third Amended Complaint.

148. Google denies the allegations in paragraph 148 of the Third Amended Complaint.

COUNT V
RETALIATION IN VIOLATION OF
TITLE VII, 42 U.S.C. § 2000e, *et seq.*
(Plaintiffs Mayon and Lewis)

149. Google incorporates by reference its responses to the preceding paragraphs as set forth above.

150. The allegations in paragraph 150 of the Third Amended Complaint state legal conclusions to which no response is required. To the extent that a response is required, Google denies, generally and specifically, the allegations of paragraph 150 of the Third Amended Complaint.

151. Google denies the allegations in paragraph 151 of the Third Amended Complaint.

COUNT VI
RACE DISCRIMINATION AND HOSTILE WORK ENVIRONMENT
IN VIOLATION OF FEHA, Cal. Gov. Code §12940, *et seq.*
(California Class and Plaintiffs Mayon, Lewis & Aweh)

152. Google incorporates by reference its responses to the preceding paragraphs as set forth above.

153. The allegations concerning the statutory language and interpretation of California Government Code Section 12940(a) state legal conclusions to which no response is required. To

the extent a response is required, Google avers that the statute speaks for itself, and otherwise denies, generally and specifically, each and every remaining allegation in paragraph 153 of the Third Amended Complaint.

154. Google denies the allegations in paragraph 154 of the Third Amended Complaint.

155. Google denies the allegations in paragraph 155 of the Third Amended Complaint.

156. Google denies the allegations in paragraph 156 of the Third Amended Complaint.

COUNT VII
SEX & DISABILITY DISCRIMINATION AND RETALIATION
IN VIOLATION OF FEHA, Cal. Gov. Code §12940, *et seq.*
(Plaintiffs Mayon & Lewis)

157. Google incorporates by reference its responses to the preceding paragraphs as set forth above.

158. The allegations concerning the statutory language and interpretation of California Government Code Section 12940(a) state legal conclusions to which no response is required. To the extent a response is required, Google avers that the statute speaks for itself, and otherwise denies, generally and specifically, each and every remaining allegation in paragraph 158 of the Third Amended Complaint.

159. Google denies the allegations in paragraph 159 of the Third Amended Complaint.

160. Google denies the allegations in paragraph 160 of the Third Amended Complaint.

161. Google denies the allegations in paragraph 161 of the Third Amended Complaint.

COUNT VIII
DISCRIMINATION AND RETALIATION IN VIOLATION OF
ADA, 42 U.S.C. § 12122, *et seq.*
(Plaintiffs Mayon & Lewis)

162. Google incorporates by reference its responses to the preceding paragraphs as set forth above.

168. Google denies the allegations in paragraph 168 of the Third Amended Complaint.

169. Google incorporates by reference its responses to the preceding paragraphs as set forth above.

specifically, each and every remaining allegation in paragraph 176 of the Third Amended Complaint.

177. Google admits that it entered into a tolling agreement in connection with the case styled *Haggan v. Google*, No. 518739/2022 (Sup. Ct. N.Y., Kings County) that tolled the claims of certain individuals who identify as Black or African American and who hold certain positions located in New York. Except as expressly admitted herein, Google denies, generally and specifically, each and every remaining allegation in paragraph 177 of the Third Amended Complaint.

178. Google denies the allegations in paragraph 178 of the Third Amended Complaint.

179. Google denies the allegations in paragraph 179 of the Third Amended Complaint.

180. Google denies the allegations in paragraph 180 of the Third Amended Complaint.

COUNT XI
SEX AND SEXUAL ORIENTATION DISCRIMINATION IN VIOLATION OF
NEW YORK STATE HUMAN RIGHTS LAW
(Plaintiff Curley)

181. Google incorporates by reference its responses to the preceding paragraphs as set forth above.

182. Google admits that it employs over 12,000 individuals in New York, and that it employed Plaintiff Curley in New York from 2014 until her relocation to Washington D.C. in or around December 2018. Except as expressly admitted herein, Google denies, generally and specifically, each and every remaining allegation in paragraph 182.

183. The allegations concerning the statutory language and interpretation of the NYSHRL state legal conclusions to which no response is required. To the extent a response is required, Google avers that the statute speaks for itself, and otherwise denies, generally and specifically, each and every remaining allegation in paragraph 183 of the Third Amended Complaint.

184. Google denies the allegations in paragraph 184 of the Third Amended Complaint.

185. Google denies the allegations in paragraph 185 of the Third Amended Complaint.

186. Google denies the allegations in paragraph 186 of the Third Amended Complaint.

COUNT XII
RETALIATION IN VIOLATION OF
NEW YORK STATE HUMAN RIGHTS LAW
(Plaintiff Curley)

187. Google incorporates by reference its responses to the preceding paragraphs as set forth above.

188. Google denies that Plaintiff Curley suffered retaliation. The remaining allegations in paragraph 188 of the Third Amended Complaint state legal conclusions to which no response is required. To the extent a response is required, Google denies, generally and specifically, the remaining allegations in paragraph 188 of the Third Amended Complaint.

189. Google denies the allegations in paragraph 189 of the Third Amended Complaint.

COUNT XIII
RACE DISCRIMINATION AND HOSTILE WORK ENVIRONMENT
IN VIOLATION OF NEW YORK CITY HUMAN RIGHTS LAW
(New York Class and Plaintiffs Curley & Aweh)

190. Google incorporates by reference its responses to the preceding paragraphs as set forth above.

191. Google admits that it employs over 12,000 individuals in New York, and that it employed Plaintiff Curley in New York from 2014 until her relocation to Washington D.C. in or around December 2018. Except as expressly admitted herein, Google denies, generally and specifically, each and every remaining allegation in paragraph 191.

192. The allegations concerning the statutory language and interpretation of the NYCHRL state legal conclusions to which no response is required. To the extent a response is required, Google avers that the statute speaks for itself, and otherwise denies, generally and

specifically, each and every remaining allegation in paragraph 192 of the Third Amended Complaint.

193. Google denies the allegations in paragraph 193 of the Third Amended Complaint.

194. Google denies the allegations in paragraph 194 of the Third Amended Complaint, and specifically denies that Plaintiffs are similarly situated to those they seek to represent, and that any such proposed class action is certifiable under the law.

195. Google denies the allegations in paragraph 195 of the Third Amended Complaint.

COUNT XIV
SEX AND SEXUAL ORIENTATION DISCRIMINATION IN VIOLATION OF
NEW YORK CITY HUMAN RIGHTS LAW
(Plaintiff Curley)

196. Google incorporates by reference its responses to the preceding paragraphs as set forth above.

197. The allegations concerning the statutory language and interpretation of the NYCHRL state legal conclusions to which no response is required. To the extent a response is required, Google avers that the statute speaks for itself, and otherwise denies, generally and specifically, each and every remaining allegation in paragraph 197 of the Third Amended Complaint.

198. Google denies the allegations in paragraph 198 of the Third Amended Complaint.

199. Google denies the allegations in paragraph 199 of the Third Amended Complaint.

200. Google denies the allegations in paragraph 200 of the Third Amended Complaint.

COUNT XV
RETALIATION IN VIOLATION OF
NEW YORK CITY HUMAN RIGHTS LAW
(Plaintiff Curley)

201. Google incorporates by reference its responses to the preceding paragraphs as set forth above.

202. Google admits that it employs over 12,000 individuals in New York, and that it employed Plaintiff Curley in New York from 2014 until her relocation to Washington D.C. in or around December 2018. Except as expressly admitted herein, Google denies, generally and specifically, each and every remaining allegation in paragraph 202.

203. Google denies that Plaintiff Curley suffered retaliation. The remaining allegations in paragraph 203 of the Third Amended Complaint state legal conclusions to which no response is required. To the extent a response is required, Google denies, generally and specifically, the remaining allegations in paragraph 203 of the Third Amended Complaint.

204. Google denies the allegations in paragraph 204 of the Third Amended Complaint.

COUNT XVI

PAY DISCRIMINATION IN VIOLATION OF CALIFORNIA EQUAL PAY ACT (California Class and Plaintiff Lewis)

205. Google incorporates by reference its responses to the preceding paragraphs as set forth above.

206. The allegations concerning the statutory language and interpretation of the California Labor Code state legal conclusions to which no response is required. To the extent a response is required, Google avers that the statute speaks for itself, and otherwise denies, generally and specifically, each and every allegation in paragraph 206 of the Third Amended Complaint.

207. Google denies the allegations in paragraph 207 of the Third Amended Complaint.

208. Google denies the allegations in paragraph 208 of the Third Amended Complaint.

209. Google denies the allegations in paragraph 209 of the Third Amended Complaint.

210. Google denies the allegations in paragraph 210 of the Third Amended Complaint.

PRAYER FOR RELIEF

Google denies that Plaintiffs are entitled to any of the relief described in the Prayer for Relief, either for themselves individually or on behalf of members of the putative classes they seek to represent, the existence of which is expressly denied.

DEMAND FOR JURY TRIAL

No response is required to Plaintiffs demand for a trial by jury. To the extent a response is required, Google admits that Plaintiffs demand a trial by jury on all issues triable by jury, but denies that any such issues exist with respect to the claims asserted by Plaintiffs in the Third Amended Complaint.

DEFENSES

To the extent not already specifically addressed above, Google denies each and every allegation in the Third Amended complaint, demanding strict proof thereof. As and for additional defenses, Google alleges, upon information and belief, as follows, without thereby assuming the burden of proof where such burden is otherwise on Plaintiffs under applicable substantive or procedural law:

1. The Third Amended Complaint, and each of its causes of action, fails to state facts sufficient to constitute a cause of action.

2. The causes of action stated in the Third Amended Complaint are barred in whole or in part to the extent they were not asserted within the applicable statutes of limitation, including, for example, instances of alleged harassment and/or discrimination that predate the start of the relevant statutory period.

3. The Third Amended Complaint, and each of its causes of action, is barred by the doctrines of unclean hands and/or laches.

4. The Third Amended Complaint and each of its causes of action is barred to the extent that Plaintiffs and the putative classes of allegedly aggrieved persons they purport to

2 represent (the “Putative Classes”), the existence of which is expressly denied, have waived their
3 rights (if any) to pursue the claims in the Complaint and each purported claim contained therein
4 by reason of their own actions and course of conduct.

5 5. Plaintiffs’ Title VII and ADA claims are barred to the extent that Plaintiffs failed,
6 in whole or in part, to exhaust all available administrative remedies, and/or otherwise failed to
7 comply with the statutory prerequisites to the bringing of this action. To the extent Plaintiffs
8 assert or attempt to assert any claims other than those contained in Plaintiffs’ Charges of
9 Discrimination filed with the EEOC or analogous state or local agencies, for example, such
10 claims are barred for failure to exhaust administrative remedies.

11 6. Plaintiffs Lewis and Aweh’s FEHA claims are barred to the extent that Plaintiffs
12 failed, in whole or in part, to exhaust all available administrative remedies, and/or otherwise
13 failed to comply with the statutory prerequisites to the bringing of this action.

14 7. To the extent that Plaintiffs make allegations or claims under Title VII, the ADA,
15 FEHA, the NYSHRL, and the NYCHRL occurring more than 300 days prior to the date on
16 which Plaintiffs allegedly filed charges with the EEOC and/or the analogous state or local
17 agency, the Court lacks jurisdiction with respect to any such matters.

18 8. The Third Amended Complaint and each of its claims for relief are barred to the
19 extent that some or all of the causes of action are covered by a valid release enforceable as to
20 Plaintiffs and/or members of the Putative Class, the existence of which is expressly denied.

21 9. Counts X, XI, XIII, and XIV in the Third Amended Complaint are barred to the
22 extent that they have been released pursuant to the Court-approved settlement in Haggan et al. v.
23 Google LLC, No. 518739/2022 (N.Y. Sup. Ct.) in which Plaintiff Curley is a participating class
24 member.

25 10. The Third Amended Complaint and each of its purported causes of action are
26 barred because any relevant action with respect to Plaintiffs’ and the members of the Putative
27

2 Classes' employment was for legitimate business reasons unrelated to sex, race, disability,
3 engagement in protected activity, or any other protected status. Alternatively, in the event that
4 the Court or a jury ever were to conclude that protected status or engagement in protected
5 activity was a motivating factor in any challenged employment decision (which Google
6 expressly denies), Google avers that the same decision would have been made for legitimate
7 business reasons and without consideration of Plaintiffs' and the members of the Putative
8 Classes' sex, race, disability, engagement in protected activity, or any other protected status.

9 11. Plaintiffs and members of the Putative Classes, the existence of which is expressly
10 denied, may be barred, in whole or in part, from recovery of damages as alleged and prayed for
11 in the complaint by the after-acquired evidence doctrine.

12 12. To the extent that Plaintiffs allege causes of action premised on hostile work
13 environment on behalf of themselves or the Putative Classes, the existence of which is expressly
14 denied, the hostile work environment causes of action are barred because Plaintiffs and
15 members of the Putative Classes unreasonably failed to take advantage of the preventative or
16 corrective opportunities provided by Google.

17 13. The Third Amended Complaint and all purported claims contained therein are
18 barred to the extent they would impermissibly require proof of the admission into evidence of
19 subsequent remedial measures not admissible to prove any alleged culpable conduct in
20 connection with the event under Federal Rule of Evidence 407.

21 14. Plaintiffs have failed to mitigate or make reasonable efforts to mitigate their
22 alleged damages, and Plaintiffs' recovery of damages, if any, must be barred or reduced
23 accordingly; alternatively, any claims for relief for lost earnings and/or benefits, including those
24 on behalf of members of the Putative Classes, the existence of which is expressly denied, must
25 be set off and/or reduced by wages, compensation, pay and benefits, or other earnings or
26 remunerations, profits, and benefits received.

16. Plaintiffs and members of the Putative Classes, the existence of which is expressly denied, are not entitled to recover any punitive damages, and any allegations in support of a claim for punitive damages should be stricken because any award of punitive damages in this action would violate Google's constitutional rights under the due process clauses of the Fifth and Fourteenth Amendments to the United States, as well as other provisions of the United States Constitution and analogous provisions of applicable State Constitutions.

18. Plaintiffs and members of the Putative Classes, the existence of which is expressly denied, may not recover punitive damages because any employee who allegedly discriminated, harassed, and/or retaliated against Plaintiffs or members of the Putative Classes was not a “managerial agent” and/or was not acting within the scope of his or her employment. Even assuming, arguendo only, that any employee who allegedly committed a discriminatory, harassing, or retaliatory act was a “managerial agent,” the alleged conduct was contrary to Google’s good faith efforts to comply with applicable law, and therefore punitive damages may not be imposed.

19. Plaintiffs' claims for punitive damages, including those on behalf of members of the Putative Classes, the existence of which is expressly denied, are barred because any

2 imposition of punitive damages under any of the claims would violate the Eighth Amendment to
3 the United States Constitution and analogous provisions of applicable State Constitutions, as the
4 claims seek to impose an excessive fine upon Google, are penal in nature, and seek to punish
5 Google upon the basis of vague standards.

6 20. Plaintiffs' claims for damages, including those on behalf of members of the
7 Putative Classes, the existence of which is expressly denied, are barred to the extent that said
8 claims are speculative in nature.

9 21. To the extent that Plaintiffs alleged that one or more of Google's employees
10 allegedly discriminated, harassed, or retaliated against them, Google expressly denies such
11 allegations and states that any such alleged conduct, if any: (1) was outside the course and scope
12 of those employees' employment; (2) was not condoned by Google; (3) was undertaken without
13 the knowledge of consent of Google; and/or (4) was not conduct of a class-based nature.

14 22. Plaintiffs' claim for injunctive or other equitable relief is barred because Plaintiffs
15 have an adequate and complete remedy at law.

16 23. The Third Amended Complaint and each of its causes of action is barred to the
17 extent that Plaintiffs lack standing to raise some or all of the claims of the Putative Classes on
18 whose behalf Plaintiffs purport to proceed, the existence of which is expressly denied. For
19 instance, Plaintiff Curley may not assert claims on behalf of herself or a Putative Class of
20 employees in New York State and/or New York City to the extent that the challenged conduct
21 had no impact within New York State or New York City, and Plaintiff Aweh may not assert
22 claims on behalf of herself or a Putative Class of applicants seeking employment in California to
23 the extent that she cannot establish any nexus to California.

24 24. The Third Amended Complaint and each of its causes of action fail because
25 Google's challenged employment practices were lawful in that such practice or procedure is job-
26 related and consistent with business necessity.

30. To the extent any particular Plaintiffs' charge of discrimination filed with the EEOC or analogous state or local agency failed to assert claims on behalf of a class of allegedly similarly situated persons, the existence of which is expressed denied, commensurate with the

claims alleged in Plaintiffs' Third Amended Complaint, that charge cannot serve as the foundation for any putative class allegedly by Plaintiffs with respect to such unasserted claims.

31. To the extent that Plaintiffs and/or members of the Putative Classes seek to recovery for injuries, physical and/or emotional, allegedly incurred in the course of or arising out of employment with Google, such recovery is barred by the exclusivity of remedies under the New York Workers' Compensation law.

32. Google hereby gives notice that it intends to rely upon such other and further defenses as may become available during discovery in this action, and reserves the right to amend its Answer to assert any such defenses.

WHEREFORE, Google prays for judgment as follows:

1. That Plaintiffs take nothing by reason of their Third Amended Complaint, that the Third Amended Complaint be dismissed in its entirety with prejudice, and that judgment be entered for Google;

2. That Google be awarded its reasonable costs and attorneys' fees to the extent permissible by law; and

3. That Google be awarded such other and further relief as the Court deems just and proper.

Dated: August 26, 2024

PAUL HASTINGS LLP

By: 

CARSON H. SULLIVAN

Attorneys for Defendant
GOOGLE LLC