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County of San Francisco

**06/13/2024**  
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BY: MARK UDAN  
Deputy Clerk

**CGC-24-615363**

21 Attorneys for Plaintiffs JUSTINA JONG and  
22 AMINA SALGADO, on behalf of themselves  
23 and all others similarly situated

24 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
25 COUNTY OF SAN FRANCISCO

26 JUSTINA JONG and AMINA SALGADO  
27 individually and on behalf of all others  
28 similarly situated,

Plaintiffs,

v.

APPLE INC.,

Defendant.

Case No.:

**CLASS ACTION COMPLAINT**

1. Violation of California Equal Pay Act, as amended (Labor Code §§ 1197.5, 1194.5)
2. Violations of the Fair Employment and Housing Act, as amended (Government Code § 12900 *et seq.*)
3. Unfair and Unlawful Business Practices (Bus. & Prof. Code § 17200 *et seq.*)
4. Failure to Pay All Wages Due to Discharged and Quitting Employees (Labor Code §§ 201-203, 1194.5)
5. Declaratory Judgment (C.C.P. § 1060 *et seq.*)
6. Penalties under the Labor Code Private Attorneys General Act (Labor Code §§ 2698-2699.5)
7. Hostile work environment and failure to accommodate for Plaintiff Jong

JURY TRIAL DEMANDED

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AMINÁ SALGADO on behalf of themselves and  
all others similarly situated  
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1 Plaintiffs Justina Jong and Amina Salgado (collectively “Plaintiffs”), individually and on  
2 behalf of all others similarly situated, allege as follows:

3 **INTRODUCTION**

4 1. Plaintiffs bring this class action on behalf of themselves and on behalf of a class  
5 defined as all women employed by Defendant Apple Inc. (“Apple” or “Defendant”) in California  
6 at any time during the time period beginning four years prior to the filing of this Complaint  
7 through the date of trial in this action (“Class Period”) in its Engineering, Marketing, and  
8 AppleCare divisions (“Covered Positions”).

9 2. Throughout the Class Period and throughout California, Apple has discriminated  
10 against its female employees by systematically paying them lower wage rates than Apple pays  
11 to male employees performing substantially similar work under similar working conditions, in  
12 violation of the California Equal Pay Act, Cal. Labor Code § 1197.5, as amended. Apple’s  
13 failure to pay women and men equal wages for performing substantially similar work is not  
14 justified by any lawful reason.

15 3. Prior to the Fall of 2017, Apple asked job applicants for information about their  
16 prior pay and used that information to set starting salaries at Apple. That policy or practice led to  
17 women being paid less than men for substantially similar work. Apple knew or should have known  
18 of this pay disparity, yet took no action to remedy the inequality. Apple’s failure to pay female  
19 employees the same wage rates paid to male employees for substantially similar work was willful.

20 4. Since at least January 2018, Apple has asked job applicants to provide their pay  
21 expectations. Pay expectations are highly correlated with prior pay; studies show that persons  
22 asked for pay expectations generally provide a number slightly higher than the pay at their current  
23 or last job. Apple’s policy or practice of collecting information about pay expectations and using  
24 that information to set starting salary has had the effect of perpetuating past pay disparities and  
25 paying women less than men performing substantially similar work.

26 5. Additionally, Apple’s performance evaluation system is biased against women  
27 because for scored categories such as teamwork and leadership, men are rewarded and women are  
28 penalized for the same behaviors. Because performance evaluation scores have a relationship to

1 bonuses, Restricted Stock Units (RSUs), and pay increases at Apple, Apple’s biased performance  
2 evaluation system has a disparate impact on women.

3 6. Apple also has a policy or practice of selecting individuals who have “talent” and  
4 compensating those persons more highly than other employees. Apple’s practice of selecting  
5 persons with “talent” is biased against women because among persons with similar levels of talent,  
6 more men are identified as having talent. This practice has a disparate impact on women, causing  
7 them to be paid less than men with similar skills, experience, responsibility, and performance.

8 7. As a result of Apple’s discriminatory and unlawful pay policies and/or practices,  
9 Plaintiffs and putative Class Members have been denied fair compensation for work performed  
10 during the Class Period and are entitled to compensation due, interest thereon, and liquidated  
11 damages, plus interest. In addition to monetary relief, Plaintiffs also seek declaratory and  
12 injunctive relief. Plaintiffs seek all legal and equitable relief available under the California  
13 Equal Pay Act, California Labor Code § 1197.5; the Fair Employment and Housing Act,  
14 Government Code § 12900 *et seq.*; California Business & Professions Code § 17200 *et seq.*;  
15 and the California Private Attorneys’ General Act of 2004, California Labor Code § 2698 *et*  
16 *seq.*

17 **JURISDICTION AND VENUE**

18 8. This Court has jurisdiction over this matter because Defendant is a corporation that  
19 maintains its headquarters in California, is licensed to do business in California, regularly conducts  
20 business in California, and committed and continues to commit the unlawful acts alleged herein in  
21 California.

22 9. Venue is proper in this Court pursuant to California Government Code §  
23 12965(c)(3) because the unlawful acts alleged herein occurred and continue to occur in San  
24 Francisco County. Cal. Gov’t Code § 12965(c)(4); *Brown v. Super. Ct.*, 37 Cal.3d 477, 484-85  
25 (1984).

26 **PARTIES**

27 10. Plaintiff Justina Jong is a woman who has been employed by Apple in California  
28 from approximately June 2013 through the present. Since joining Apple, Ms. Jong has held various

1 roles on the Worldwide Developer Relations/App Review team within the Retail and Marketing  
2 division, including as a Sales Specialist, Mobile Technician, Language Specialist, Team Lead, and  
3 Customer/Technical Training Instructor. Ms. Jong, who is bilingual in English and Mandarin, has  
4 successfully performed her work in these roles, including leading cross-functional teams that  
5 improve the App Review experience for global app developers. When Ms. Jong was hired by  
6 Apple, Apple had a policy of asking new hires about their prior salary. Apple offered Ms. Jong  
7 essentially the same base salary that she had received at her prior job. Ms. Jong has been paid less  
8 at Apple than men performing substantially similar work. Ms. Jong was also sexually harassed by  
9 a co-worker at Apple, forced to work in a hostile work environment next to the co-worker who had  
10 harassed her, and denied accommodations to be transferred to other teams. Ms. Jong works in  
11 Apple's Sunnyvale office.

12 11. Plaintiff Amina Salgado is a woman who has been employed by Apple since 2012  
13 and has worked for Apple as an Area Manager in the AppleCare division, the Early Careers  
14 Program, the Career Services Programs, and Investigation Operations. She is currently working on  
15 a temporary assignment with the People Team as a Development Manager for the AppleCare  
16 division. Ms. Salgado was paid less than men performing substantially similar work while  
17 employed by Apple, about which she complained to Apple a number of times. Apple conducted an  
18 internal investigation after one of those complaints, but did not raise Ms. Salgado's compensation.  
19 After Ms. Salgado complained again that she was paid less than men performing substantially  
20 similar work, Apple retained a third-party firm to conduct an investigation. The third party's  
21 investigation concluded that, in fact, Ms. Salgado was paid less than men performing substantially  
22 similar work. As a result of the third-party investigation, in late 2023, Apple increased Ms.  
23 Salgado's compensation prospectively, but failed and refused to pay Ms. Salgado back pay for the  
24 years during which she was paid less than men performing substantially similar work. Ms. Salgado  
25 works remotely for Apple in the Sacramento area, near its Elk Grove office.

26 12. Defendant Apple Inc. is a corporation that develops and sells computer and phone-  
27 related products and services. Apple's headquarters are located at One Apple Parkway in  
28 Cupertino, California 95014. Apple also maintains a corporate office building at 235 Second Street

1 in San Francisco, California 94105. Apple employs over 90,000 people, including over 12,000  
2 women in its Engineering, Marketing, and AppleCare divisions.

3 **FACTUAL ALLEGATIONS**

4 13. Throughout the Class Period and throughout California, Apple has maintained and  
5 continues to maintain a centrally determined and uniformly applied policy and/or practice of  
6 paying its female employees in Covered Positions less than male employees for substantially  
7 similar work, when viewed as a composite of skill, effort, and responsibility, and performed under  
8 similar working conditions. Additionally, upon information and belief, Apple systematically paid  
9 women lower compensation than men with similar education and experience and assigned women  
10 to lower salary levels based (through the Fall of 2017) on women's lower prior pay and later (after  
11 the Fall of 2017) women's lower pay expectations (which studies establish are highly correlated  
12 with prior pay).

13 14. Throughout the Class Period, all compensation decisions concerning Apple's  
14 California employees have been and continue to be subject to approval by Apple's central  
15 administrative officers based in its headquarters in Cupertino and its corporate offices in San  
16 Francisco. These officers have maintained centralized control over employees' terms and  
17 conditions of employment, including, without limitation, hiring, job and location assignment,  
18 career progression, promotion, and compensation policies, practices, and procedures. Salary  
19 increases are dictated by payroll budgets established by executives in Apple's Cupertino and San  
20 Francisco offices and must be approved by central management.

21 15. Throughout the Class Period, Apple's compensation policies and practices have  
22 been and continue to be centrally determined and applied in the same manner to all of Apple's  
23 employees who report to California offices, whether they work in person or remotely. Officers  
24 based in Apple's San Francisco and Cupertino offices maintained these compensation policies or  
25 practices that entrenched a wage gap between male and female Apple employees performing  
26 substantially similar work.

1           16.     Regardless of the California offices to which they report, and whether employees  
2 work remotely or in person, Apple employees with the same job titles employed in its Engineering,  
3 Marketing, and AppleCare divisions have performed, from the beginning of the Class Period  
4 through the present, substantially similar work, when viewed as a composite of skill, effort, and  
5 responsibility, and performed under similar working conditions. Throughout the Class Period,  
6 Apple has paid women in the Covered Positions, including the two named Plaintiffs, less than men  
7 in the same job position and level.

8           17.     Apple's reliance on prior pay and pay expectations to set starting salaries caused it  
9 to unlawfully fail to pay women equal compensation to men for substantially similar work. Upon  
10 information and belief, until late 2017, Apple relied on prior salary (i.e., pay at jobs before an  
11 employee started to work for Apple) to set salaries for new hires and to determine the  
12 compensation level into which to place each new hire. Apple's use of prior compensation to set  
13 starting compensation for its employees perpetuated historic pay disparities between men and  
14 women and resulted in men receiving higher starting salaries than women, even when those men  
15 and women are hired into the same job position and perform substantially similar work.

16           18.     Upon information and belief, since at least January 2018, Apple has asked job  
17 applicants to provide their pay expectations. Pay expectations are highly correlated with prior pay;  
18 studies show that persons asked for pay expectations generally provide an amount slightly higher  
19 than the pay at their current or last job position. Apple's policy or practice of collecting  
20 information about pay expectations and using that information to set starting salaries had a  
21 disparate impact on women.

22           19.     Raises at Apple perpetuate and widen the gender pay gap because they are based on a  
23 percentage of the employees' existing Apple base salary—so the longer a woman works at Apple,  
24 the larger the gap in compensation she receives compared to similarly situated men, even men  
25 performing substantially equal or similar work in the same job position.

26           20.     Apple's performance evaluation system is biased against women because for scored  
27 categories such as teamwork and leadership, men are rewarded and women are penalized for the  
28 same behaviors. Because performance evaluation scores have a relationship to bonuses, RSUs, and

1 pay increases at Apple, Apple’s biased performance evaluation system has a disparate impact on  
2 women.

3 21. Apple has a policy or practice of selecting individuals who have “talent” and  
4 compensating those persons more highly than other employees. Apple’s practice of selecting  
5 persons with “talent” is biased against women and has a disparate impact on women, causing them  
6 to be paid less than men with similar skills, experience, responsibility, and performance.

7 22. Apple is required to maintain records of the wage rates, job classifications, and other  
8 terms and conditions of employment of all employees throughout California as well as employees  
9 who work remotely from out of state for whom decisions about their pay are made in California.  
10 Accordingly, at all relevant times, Apple has known or should have known of the substantial pay  
11 disparities between its female employees in Covered Positions and male employees in Covered  
12 Positions performing substantially similar work, yet Apple has taken no action to equalize men and  
13 women’s pay for equal or substantially similar work. Apple’s failure to pay female employees the  
14 same compensation paid to male employees for equal or substantially similar work has been and is  
15 willful.

16 23. As a result of Apple’s unlawful pay policies and/or practices, Plaintiffs and  
17 putative Class Members have been denied compensation legally owed to them for work  
18 performed during the Class Period and are entitled to wages and other compensation due,  
19 interest thereon, and liquidated damages. In addition to damages, Plaintiffs also seek declaratory  
20 and injunctive relief.

21 **CLASS ACTION ALLEGATIONS**

22 24. Plaintiffs bring their first, second, third, and fifth causes of action on behalf of  
23 themselves and on behalf of the following proposed class (“Class”):

24 All women employed by Apple in California in its Engineering, AppleCare, and Marketing  
25 divisions at any time during the time period beginning four years prior to the filing of the  
26 Complaint through the date of trial in this action.

27 25. This action is appropriately suited for a class action because:  
28



1 a. The proposed Class is numerous and ascertainable. The proposed Class  
2 includes more than 12,000 current and former female Apple employees in California. Joinder of all  
3 Class Members would be impractical.

4 b. This action involves questions of law and fact common to Plaintiffs and all  
5 Class Members which predominate over any individual issues, including but not limited to: (a)  
6 whether Apple has had a systemic policy and/or practice, from the beginning of the Class Period  
7 through the present, of paying its female employees at wage rates lower than those paid to its male  
8 employees performing substantially similar work, when viewed as a composite of skill, effort, and  
9 responsibility, and performed under similar conditions; (b) whether Apple's systemic policy and/or  
10 practice of paying its female employees at wage rates lower than those paid to their male  
11 counterparts violates the California Equal Pay Act, as amended, Cal. Labor Code § 1197.5; (c)  
12 whether Apple's systemic policy and/or practice of paying its female employees at wage rates  
13 lower than those paid to their male counterparts was willful; (d) whether Apple had a policy or  
14 practice of using prior pay and later pay expectations to set starting salary; (e) whether Apple's  
15 policy and practice of using prior pay and later pay expectations to set starting salary had a  
16 disparate impact on women; (f) whether Apple's performance evaluation system is biased against  
17 women and has disparate impact on women; and (g) whether Apple's policy or practice of paying  
18 more compensation to persons whom it selects as having particular "talent" is biased against  
19 women and has a disparate impact on women. These common questions of law and fact  
20 predominate over any questions affecting only individual Class Members in this action.

21 c. Plaintiffs Jong's, and Salgado's claims are typical of putative Class  
22 Members' claims because they are women who were employed by Apple in California during the  
23 Class Period in one or more of the Covered Positions, and, on information and belief, were paid  
24 less than male employees for substantially similar work. They both worked at Apple when Apple  
25 had a policy or practice of using prior pay and later pay expectations to set starting salaries. They  
26 were both subject to Apple's performance evaluation system. They were both impacted by Apple's  
27 policy of paying more compensation to certain employees identified as having "talent," and neither  
28 of them were so identified.

1 d. Plaintiffs Jong and Salgado are able to fairly and adequately protect the  
2 interests of all members of the class because it is in Plaintiffs' best interests to prosecute the claims  
3 alleged herein to obtain full compensation due to the Class for all work performed, and to obtain  
4 injunctive relief to protect the Class from further discriminatory wage rates going forward.  
5 Plaintiffs have selected counsel who have the requisite resources and ability to prosecute this case  
6 as a class action and are experienced labor and employment attorneys who have successfully  
7 litigated other cases involving similar issues, including in class actions.

8 e. This suit is properly maintained as a class action under C.C.P. § 382 because  
9 Apple has implemented an unlawful wage rate scheme that is generally applicable to the Class and  
10 has adopted policies or practices that have a disparate impact on women, making it appropriate to  
11 issue final injunctive relief and corresponding declaratory relief with respect to the Class as a  
12 whole. This suit is also properly maintained as a class action because the common questions of law  
13 and fact predominate over any questions affecting only individual members of the class. For all  
14 these and other reasons, a class action is superior to other available methods for the fair and  
15 efficient adjudication of the controversy set forth herein.

16 **FIRST CAUSE OF ACTION**  
17 **Violations of the California Equal Pay Act, as amended**  
18 **Cal. Labor Code §§ 1197.5, 1194.5**  
19 **(Brought by All Plaintiffs on Behalf of Themselves and the Proposed Class)**

20 26. Plaintiffs hereby re-allege and incorporate by reference all allegations in each and  
21 every preceding paragraph as if fully set forth herein.

22 27. Throughout the Class Period, Apple has discriminated against Plaintiffs and all  
23 Class Members in violation of California Labor Code § 1197.5 by paying its female employees at  
24 wage rates less than the wage rates it has paid and pays to its male employees for substantially  
25 similar work, when viewed as a composite of skill, effort, and responsibility, and performed under  
26 similar working conditions.

27 28. Apple's failure to pay women and men equal wages for performing substantially  
28 equal or similar work is not justified by any lawful reason.

1 29. Apple has willfully violated California Labor Code § 1197.5 by intentionally,  
2 knowingly, and deliberately paying women less than men for substantially similar work throughout  
3 the Class Period.

4 30. As a result of Apple’s conduct, violation of California Labor Code § 1197.5, and/or  
5 Apple’s willful discrimination, Plaintiffs Jong and Salgado and Class Members have suffered and  
6 will continue to suffer harm, including but not limited to lost earnings, lost benefits, and other  
7 financial loss, as well as non-economic damages.

8 31. Plaintiffs Jong and Salgado and Class Members are therefore entitled to all legal  
9 and equitable remedies available under law, including wages due, interest thereon, and liquidated  
10 damages.

11 **SECOND CAUSE OF ACTION**

12 **Discrimination Based on Sex in Violation of FEHA**

13 **Cal. Gov’t Code § 12900 *et seq.***

14 **(Brought by All Plaintiffs on Behalf of Themselves and the Proposed Class)**

15 32. Plaintiffs hereby re-allege and incorporate by reference all allegations in each and  
16 every preceding paragraph as if fully set forth herein.

17 33. Prior to the Fall of 2017, Apple asked job applicants for information about their  
18 prior pay and used that information to set starting salaries at Apple. That policy or practice had a  
19 disparate impact on women. Apple knew or should have known of this pay disparity between its  
20 female and male employees performing substantially similar work, yet Apple took no action to  
21 equalize men and women’s pay for substantially similar work. Apple’s failure to pay female  
22 employees the same wage rates paid to male employees for substantially similar work was willful.

23 34. Since at least January 2018, Apple has asked job applicants to provide their pay  
24 expectations. Pay expectations are highly correlated with prior pay; studies show that persons  
25 asked for pay expectations generally provide a number slightly higher than the pay at their current  
26 or last job position. Apple’s policy and practice of collecting information about pay expectations  
27 and using that information to set starting salary has had a disparate impact on women.  
28

1 35. Apple’s performance evaluation system is biased against women. Because  
2 performance evaluation scores have a relationship to bonuses, RSUs, and pay increases at Apple,  
3 Apple’s biased performance evaluation system has a disparate impact on women.

4 36. Apple has a policy or practice of selecting individuals who have “talent” and  
5 compensating those persons more highly than other employees. Apple’s practice of selecting  
6 persons with “talent” is biased against women and has disparate impact against women, causing  
7 them to be paid less than men with similar skills, experience, responsibility, and performance.

8 37. As a result of Apple’s discriminatory and unlawful pay policies and/or practices,  
9 Plaintiffs and Class Members have been denied fair wages for all work performed during the  
10 Class Period and are entitled to wages due, interest thereon, and liquidated damages, plus  
11 interest. In addition to damages, Plaintiffs also seek declaratory and injunctive relief enjoining  
12 Apple from continuing to pay women less than men for substantially similar work.

13 38. Plaintiffs Jong and Salgado have both filed charges of discrimination with the  
14 California Civil Rights Department and have all received Right to Sue letters from the  
15 California Civil Rights Department.

16 39. Plaintiffs Jong and Salgado and Class Members are entitled to legal and  
17 equitable relief for Apple’s violations of the Fair Employment and Housing Act.

18  
19 **THIRD CAUSE OF ACTION**

20 **Violations of California’s Unfair Competition Law**

21 **Cal. Bus. & Prof. Code § 17200 *et seq.***

22 **(Brought by All Plaintiffs on Behalf of Themselves and the Proposed Class)**

23 40. Plaintiffs hereby re-allege and incorporate by reference all allegations in each and  
24 every preceding paragraph as if fully set forth herein.

25 41. Apple’s policies and/or practices of (a) paying female employees less than male  
26 employees for substantially similar work performed, (b) adopting and implementing compensation  
27 policies and practices that have a disparate impact on women, and (c) failing to timely pay female  
28 employees who are discharged or who quit all wages earned and due constitute business practices

1 because Apple's acts and omissions as alleged herein have been done repeatedly over a significant  
2 period of time, and in a systematic manner, to the detriment of Plaintiffs and Class Members.

3 42. Apple's acts and omissions, as alleged herein, violate the California Equal Pay Act,  
4 as amended, Labor Code § 1197.5, the California Fair Employment and Housing Act, and  
5 California Labor Code §§ 201, 202, and 203, and therefore constitute unlawful business practices  
6 prohibited by Business & Professions Code § 17200 *et seq.*

7 43. Apple's acts and omissions, as alleged herein, constitute unfair and unlawful  
8 business practices prohibited by Business & Professions Code § 17200 *et seq.* Apple's business  
9 practices of (a) paying women less than men for substantially similar work, (b) adopting and  
10 implementing compensation policies and practices that have a disparate impact on women, and (c)  
11 failing to timely pay female employees who are discharged or who quit all wages earned and due  
12 causes harm to Plaintiffs and Class Members that outweighs any reason Apple may have for doing  
13 so. Apple's business practices as alleged herein are also immoral, unethical, oppressive,  
14 unscrupulous, and offensive to the established public policies of ensuring women and men are paid  
15 equally for performing substantially similar work, as reflected in both the California Equal Pay  
16 Act, Cal. Labor Code § 1197.5, and the federal Equal Pay Act, 29 U.S.C. § 206(d), and of ensuring  
17 women are not discriminated against in the workplace, as reflected in both the California Fair  
18 Employment and Housing Act, Cal. Gov't Code § 12940 *et seq.*, and Title VII of the Civil Rights  
19 Act of 1964, 42 U.S.C. § 2000e *et seq.*

20 44. As a result of its unlawful and/or unfair business practices, Apple has reaped and  
21 continues to reap unfair and illegal profits at the expense of Plaintiffs and Class Members.  
22 Accordingly, Apple should be disgorged of its illegal profits, and Plaintiffs and Class Members are  
23 entitled to restitution with interest of such ill-gotten profits in an amount according to proof at the  
24 time of trial.

25 45. Apple's unlawful and/or unfair business practices entitle Plaintiffs and Class  
26 Members to preliminary and permanent injunctive relief and other equitable relief available under  
27 law for violations of the Unfair Competition Law.

1  
2 **FOURTH CAUSE OF ACTION**

3 **Failure to Pay All Wages Due to Discharged and Quitting Employees**  
4 **Cal. Labor Code §§ 201-203, 1194.5**

5 **(On Behalf of Members of the Plaintiff Class who Separated from Apple During the Class**  
6 **Period)**

7 46. Plaintiffs hereby re-allege and incorporate by reference all allegations in each and  
8 every preceding paragraph as if fully set forth herein.

9 47. Pursuant to California Labor Code §§ 201, 202, and 203, Apple is required to pay  
10 all earned and unpaid wages to an employee who is discharged or quits. California Labor Code §  
11 201 mandates that if an employer discharges an employee, the employee's wages accrued and  
12 unpaid at the time of discharge are due and payable immediately. California Labor Code § 202  
13 mandates that if an employee quits, the employee's wages accrued and unpaid at the time of  
14 quitting are due and payable no later than 72 hours after the employee quits his or her employment,  
15 unless the employee provided at least 72 hours of notice of his or her intention to quit, in which  
16 case the wages are due immediately at the time of quitting. Class Members who separated from  
17 Apple during the Class Period were not paid all wages due when they separated from Apple.

18 48. California Labor Code § 203 provides that if an employer willfully fails to pay in  
19 accordance with California Labor Code §§ 201 and 202 any wages of an employee who is  
20 discharged or who quits, the employer is liable for waiting time penalties in the form of continued  
21 compensation to the employee at the same rate for up to 30 workdays.

22 49. By paying Class Members lower wages than wages paid to their male counterparts  
23 for performing substantially similar work, Apple has willfully failed and continues to fail, in  
24 violation of Labor Code §§ 201 and 202, respectively, to pay all accrued wages due to Class  
25 Members who have been discharged or who have quit during the class period.

26 50. As a result of Apple's unlawful actions and omissions, former employee Class  
27 Members who separated from Apple during the class period are entitled to all available statutory  
28 penalties, including the waiting time penalties provided in California Labor Code § 203, together  
with interest thereon, as well as other available remedies.

1 **FIFTH CAUSE OF ACTION**

2 **Declaratory Judgment**

3 **Cal. C.C.P. § 1060 *et seq.***

4 **(Brought by All Plaintiffs on Behalf of Themselves and the Proposed Class)**

5 51. Plaintiffs hereby re-allege and incorporate by reference all allegations in each and  
6 every preceding paragraph as if fully set forth herein.

7 52. An actual controversy has arisen and now exists between the parties relating to  
8 the legal rights and duties of the parties as set forth above, for which Plaintiffs desire a declaration  
9 of rights and other relief available pursuant to the California Declaratory Judgment Act, C.C.P. §  
10 1060 *et seq.*

11 53. A declaratory judgment is necessary and proper in that Plaintiffs contend that Apple  
12 has committed and continues to commit the violations set forth above and, on information and  
13 belief, Apple will deny that it has done so and/or will continue to commit such acts.

14 **SIXTH CAUSE OF ACTION**

15 **Representative Action for Civil Penalties**

16 **Cal. Labor Code §§ 2698-2699.5**

17 **(Brought by Plaintiffs on Behalf of Themselves, All Similarly Aggrieved Current and Former  
18 Apple Employees, and the State)**

19 54. Plaintiffs hereby re-allege and incorporate by reference all allegations in each and  
20 every preceding paragraph as if fully set forth herein.

21 55. Plaintiffs Jong and Salgado are each an “aggrieved employee” within the meaning  
22 of California Labor Code § 2699(c), and are each a proper representative to bring a civil action on  
23 behalf of herself and other current and former employees of Apple pursuant to the procedures  
24 specified in California Labor Code § 2699.3, because Plaintiffs Jong and Salgado were employed  
25 by Apple and the alleged violations of California Labor Code §§ 201-203 and 1197.5 were  
26 committed by Apple against them.

27 56. Pursuant to the California Private Attorneys General Act of 2004 (“PAGA”), Labor  
28 Code §§ 2698-2699.5, Plaintiffs seek to recover civil penalties in the amount of \$100 for each  
aggrieved employee per pay period for the initial violation, and \$200 for each aggrieved employee  
per pay period for each subsequent violation of California Labor Code § 1197.5 as alleged herein.

1 57. Plaintiffs are also entitled to an award of reasonable attorneys' fees and costs  
2 pursuant to California Labor Code § 2699(g)(1).

3 58. Pursuant to California Labor Code § 2699.3, Plaintiffs Jong and Salgado gave  
4 written notice by online filing with the California Labor and Workforce Development Agency  
5 ("LWDA") and by certified mail to Apple of the specific provisions of the California Labor Code  
6 alleged to have been violated, including the facts and theories to support the alleged violations.  
7 More than sixty-five (65) calendar days have passed since the postmark date of Plaintiffs' notice  
8 letter, and the LWDA has not provided notice to Plaintiffs that it intends to investigate the alleged  
9 violations. Plaintiffs have therefore complied with the prerequisites set forth in California Labor  
10 Code § 2699.3 for commencing a representative action under PAGA.

11  
12 **SEVENTH CAUSE OF ACTION**  
13 **Cal. Gov. Code §§ 12900, etc.**  
14 **Fair Employment and Housing Act**  
15 **(Sexual Harassment, Hostile Work Environment, and Failure to Accommodate on Behalf of**  
16 **Plaintiff Jong)**

17 59. From 2015 through 2022, Ms. Jong was sexually harassed and subjected to a hostile  
18 environment.

19 60. In one incident, on or about January 11, 2019, Blaine Weilert, a senior member of  
20 the Talent Development Team, touched Ms. Jong's body in a sexually suggestive manner without  
21 her consent.

22 61. On or about January 11, 2019, Ms. Jong submitted an internal sexual harassment  
23 complaint against Mr. Weilert to Terry Barwegan, then a Manager with the Talent Development  
24 team. Approximately two weeks after reporting the incident, Mike Gillaspie, Human Resources  
25 Representative, informed Ms. Jong that the investigation had concluded. Mr. Gillaspie claimed that  
26 Mr. Weilert had admitted to the actions, displayed remorse for the behavior, and was being  
27 disciplined accordingly.

28 62. Nevertheless, Ms. Jong was required to continue to work with Mr. Weilert, which  
caused her profound emotional distress and mental anguish, including anxiety, depression,  
insomnia, and PTSD. To try to escape working with Mr. Weilert, she was forced to transfer from



1 the Talent Development Team to the Content and Communication Team, where she had to take on  
2 tasks that she was not hired or trained for and continue to work with Blaine Weilert on different  
3 projects.

4 63. In August 2019, Blaine Weilert was promoted to manager of the Talent  
5 Development team.

6 64. On or about March 23, 2022, David Foote, a Worldwide Developer Relations/App  
7 Review Support Manager at Apple, announced that Blaine Weilert would be sitting adjacent to Ms.  
8 Jong in Apple's offices. Working alongside someone who had sexually harassed Ms. Jong and  
9 touched her against her will created a hostile work environment. Ms. Jong immediately emailed  
10 Mr. Foote requesting not to sit directly next to Mr. Weilert. She explained how the situation  
11 exacerbated her disability due to previously being sexually harassed by Mr. Weilert.

12 65. In a video call on or about March 24, 2022, Mr. Foote questioned Ms. Jong's  
13 willingness to perform her job and collaborate with Mr. Weilert and the team. He also advised her  
14 to be "professional, respectful, and collaborative" in working with him and alongside Mr. Weilert.

15 66. On or about March 25, 2022, Mr. Foote responded to Ms. Jong's email and stated  
16 that he would get back to her regarding her request to not sit directly next to Mr. Weilert.

17 67. On March 28, 2022, Ms. Jong was forced to take a medical leave of absence due to  
18 the ongoing hostile work environment. After that time, Apple refused to grant Ms. Jong's request  
19 to transfer to a different team away from the managers and human resources representatives who  
20 supported and promoted Mr. Weilert while refusing to protect or accommodate Ms. Jong.

21 68. When Mr. Weilert left Ms. Jong's old team in May 2023, Ms. Jong rejoined Apple  
22 from medical leave and returned to her prior team, but continued to suffer from PTSD from having  
23 been sexually harassed when working on that team.

24 69. As a result of these actions by Apple, Ms. Jong's career at Apple has stalled.

25  
26 **PRAYER FOR RELIEF**

27 WHEREFORE, Plaintiffs, on behalf of themselves and all others similarly situated,  
28 respectfully pray for relief against Apple as follows:

1 70. For an order certifying this action as a class action;

2 71. For an order appointing Plaintiffs Jong and Salgado as Class Representatives, and  
3 appointing Plaintiffs' counsel as Class Counsel;

4 72. For all wages due pursuant to California Labor Code § 1197.5(h) in an amount to be  
5 ascertained at trial;

6 73. For liquidated damages pursuant to California Labor Code § 1197.5(h);

7 74. For prejudgment interest on unpaid wages at a rate of 10% per annum pursuant to  
8 California Labor Code §1197.5(h) and California Civil Code §§ 3287-3288, and/or any other  
9 applicable provision providing for prejudgment interest;

10 75. For statutory and civil penalties according to proof, including but not limited to all  
11 waiting time penalties authorized by California Labor Code § 203 and all penalties authorized by  
12 California Labor Code § 2699(f)(2);

13 76. For declaratory relief;

14 77. For restitution of all monies due to Plaintiffs and Class Members, as well as  
15 disgorgement of Apple's profits from its unlawful and/or unfair business practices;

16 78. For preliminary and permanent injunctive relief enjoining Apple from violating  
17 California Labor Code § 1197.5 by paying its female employees lower wage rates than those paid  
18 to their male counterparts for substantially similar work or from violating the Fair Employment  
19 and Housing Act through the adoption and implementation of policies and practices that have  
20 disparate impact or from violating the Unfair Competition Law by engaging in the unfair and  
21 unlawful business practices complained of herein;

22 79. For reasonable attorneys' fees and costs pursuant to California Labor Code §§  
23 1197.5(h) and 2699(g)(1), California Code of Civil Procedure §1021.5, and/or any other applicable  
24 provision providing for attorneys' fees and costs; and

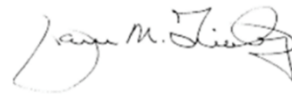
25 80. For such further relief that the Court may deem just and proper.

26  
27 Respectfully submitted,

28 Dated: June 13, 2024

JAMES M. FINBERG

EVE CERVANTEZ  
Altshuler Berzon LLP



By: \_\_\_\_\_  
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Class*

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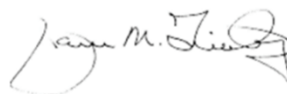
1 **DEMAND FOR JURY TRIAL**

2 Plaintiffs Justina Jong and Amina Salgado on behalf of themselves and all others similarly  
3 situated, hereby demand a jury trial with respect to all issues triable of right by jury.

4 Respectfully submitted,

5 Dated: June 13, 2024

6 JAMES M. FINBERG  
7 EVE CERVANTEZ  
8 Altshuler Berzon LLP

9 

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