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FRANCOISE BROUGHER

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 IN AND FOR THE COUNTY OF SAN FRANCISCO

13 FRANCOISE BROUGHER,

14 Plaintiff,

15 vs.

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

18 Defendants.
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ENDORSED FILED
SUPERIOR COURT
COUNTY OF SAN FRANCISCO

AUG 11 2020

CLERK OF THE COURT

BY: ANGELICA SUNGA
Deputy Clerk

Case No. **CGC-20-585888**

COMPLAINT FOR DAMAGES

DEMAND FOR JURY TRIAL

1 FRANCOISE BROUGHER, complains and alleges as follows:

2 **NATURE OF THE CASE**

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

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

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

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

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1 **PARTIES**

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

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

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

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

21 **JURISDICTION AND VENUE**

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

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

PROCEDURAL ALLEGATIONS

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

FACTS COMMON TO ALL CAUSES OF ACTION

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

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

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

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

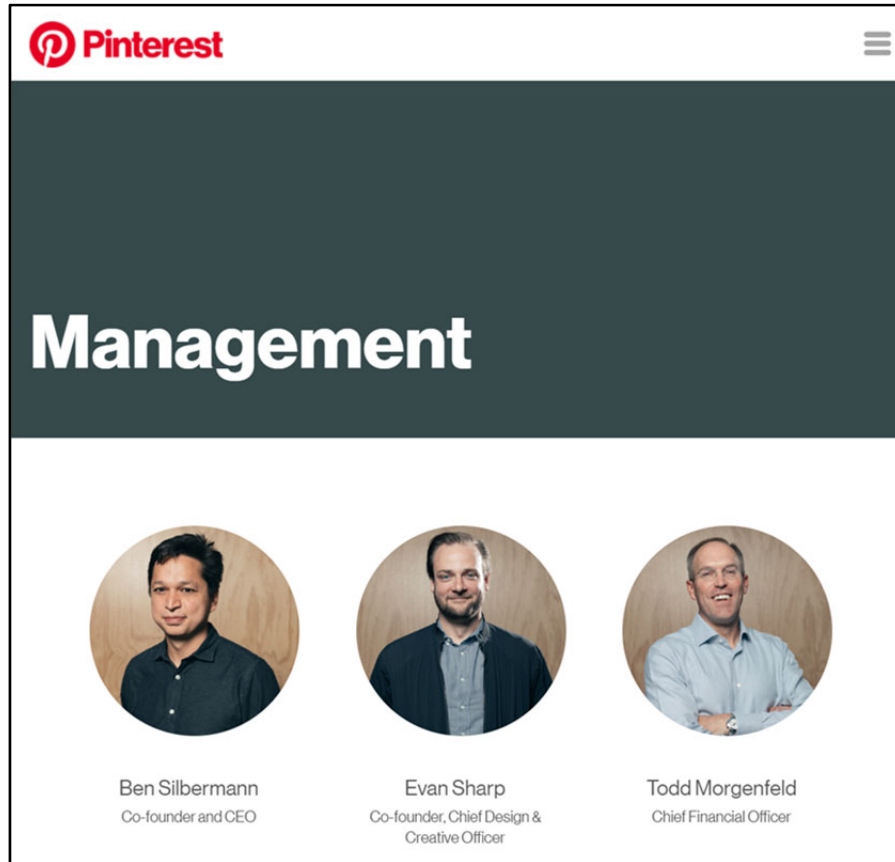
1 16. Needless to say, her professional experience is extraordinary. And she believed
2 that she had shattered the glass ceiling in the tech world.

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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LEGAL CLAIMS

FIRST CAUSE OF ACTION

(Gender Discrimination: Violation of Government Code § 12940(a))

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

63. At all times herein mentioned, FEHA, Gov. Code, § 12900, *et seq.*, was in full force and effect and was fully binding upon Defendant. Section 12940(a) prohibits an employer from discriminating against an employee because of their gender.

64. Ms. Brougher was treated less favorably than her male peers because of her gender. For example, she received less compensation and a less favorable equity vesting structure than her male peers.

65. In addition, Mr. Morgenfeld undermined Ms. Brougher by working directly with her team rather than including her in communications. He made derogatory comments such as asking what she does at the company. And he trivialized her role at the company as a “champion of diversity” rather than judging her based on her performance as COO.

66. For his part, Mr. Silbermann excluded her from the IPO roadshow and criticized her for not being collaborative with her male colleagues when she objected to their sexism. Ultimately, he terminated her employment.

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

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

69. Defendant committed the acts herein despicably, maliciously, fraudulently, and oppressively, with the wrongful intention of injuring Plaintiff, from an improper and evil motive amounting to malice, and in conscious disregard of the rights and safety of Plaintiff and others.

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

3 **SECOND CAUSE OF ACTION**

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

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

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

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

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

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

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

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

25 **THIRD CAUSE OF ACTION**

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

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

1 85. Pinterest's termination of Ms. Brougher's employment violated the fundamental
2 public policy of the State of California embodied by Labor Code section 1102.5 that employers
3 shall not retaliate against employees for reporting or objecting to what they believe is illegal
4 conduct.

5 86. As a direct, foreseeable, and proximate result of the Defendant's unlawful actions,
6 Plaintiff has suffered and continues to suffer substantial losses in earnings and other employment
7 benefits and has incurred other economic losses.

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

11 88. Defendant committed the acts herein despicably, maliciously, fraudulently, and
12 oppressively, with the wrongful intention of injuring Plaintiff, from an improper and evil motive
13 amounting to malice, and in conscious disregard of the rights and safety of Plaintiff and others.
14 Plaintiff is thus entitled to recover punitive damages from Defendant in an amount according to
15 proof.

16 **PRAYER FOR RELIEF**

17 WHEREFORE, Plaintiff Francoise Brougher prays for judgment and the following
18 specific relief against Defendant Pinterest, Inc. as follows:

- 19 1. For compensatory damages, including but not limited to, lost equity, lost back
20 earnings (including, but not limited to, salary and bonus wages and equity) and
21 fringe benefits, future lost earnings and fringe benefits, and emotional distress
22 damages, with legal interest, according to proof as allowed by law;
- 23 2. For injunctive relief, including reinstatement and a prohibition on further
24 discrimination or retaliation;
- 25 3. For injunctive relief to prevent future violations of Government Code § 12940;
- 26 4. For injunctive relief to prevent future violations of Labor Code § 1197.5;
- 27 5. For punitive damages as allowed by law;
- 28 6. For prejudgment interest and post-judgment interest as allowed by law;

7. For an award to Plaintiff of costs of suit incurred herein and reasonable attorney's fees; and

8. For an award of such other and further relief as the Court deems just and proper.

DATED: August 10, 2020

Respectfully submitted,

RUDY, EXELROD, ZIEFF & LOWE, LLP

By: 

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DEMAND FOR JURY TRIAL

Plaintiff hereby requests trial by jury.

DATED: August 10, 2020

Respectfully submitted,

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