

**SUMMONS
(CITACION JUDICIAL)**

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

ELECTRONICALLY FILED
Superior Court of California
County of Alameda
06/20/2023
Chad Finke, Executive Officer / Clerk of the Court
By: D. Oliver Deputy

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**
ByteDance, Inc. doing business as TikTok and Does 1 through 20, inclusive
**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**
Irina Weisfeiler, individually and on behalf of all others similarly situated

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): Rene C. Davidson Courthouse
1225 Fallon Street, Oakland, CA 94612

CASE NUMBER:
(Número del Caso): **23CV036439**

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Jonathan M. Lebe (SBN 284605), Lebe Law, APLC, 777 S. Alameda Street, Second Floor, Los Angeles, CA 90021 Tel: (213) 444-1973

DATE: 06/20/2023
(Fecha) Chad Finke, Executive Officer / Clerk of the Court Clerk, by D. Oliver, Deputy (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

- as an individual defendant.
- as the person sued under the fictitious name of (specify):
- on behalf of (specify):
under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify):
- by personal delivery on (date):

1 Jonathan M. Lebe (State Bar No. 284605)
Jon@lebelaw.com
2 Shigufa Saleheen (State Bar No. 341013)
Shigufa@lebelaw.com
3 Brielle D. Edborg (State Bar No. 347579)
Brielle@lebelaw.com
4 **Lebe Law, APLC**
777 S. Alameda Street, Second Floor
5 Los Angeles, CA 90021
Telephone: (213) 444-1973
6 Facsimile: (213) 457-3092

7 Attorneys for Irina Weisfeiler,
Individually and on behalf of all others similarly situated
8

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **FOR THE COUNTY OF ALAMEDA**

11
12 Irina Weisfeiler, individually and on behalf
of all others similarly situated,

13
14 Plaintiff,

15 v.

16 ByteDance, Inc. doing business as TikTok
and Does 1 through 20, inclusive,

17 Defendants.
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Case No.: **23CV036439**

CLASS ACTION COMPLAINT FOR:

1. Violations of Labor Code §§ 1197.5 and 1194.5 for Failure to Provide Equal Pay on the Basis of Gender/Sex
2. Violations of Labor Code §§ 201-203 and 1194.5 for Failure to Pay All Wages Due to Discharged and Quitting Employees
3. Violations of Business and Professions Code §§ 17200 *et seq.* for Unfair and Unlawful Business Practices
4. Declaratory Judgment (C.C.P. § 1060 *et seq.*)

Jury Trial Demanded

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ELECTRONICALLY FILED
Superior Court of California,
County of Alameda
06/20/2023 at 02:29:31 PM
By: Darnekia Oliver,
Deputy Clerk

1 Plaintiff Irina Weisfeiler, individually and on behalf of all similarly situated, alleges
2 as follows:

3 **INTRODUCTION**

4 1. Plaintiff Irina Weisfeiler (“Plaintiff”) brings this class action against
5 Defendant ByteDance, Inc. (doing business as TikTok) and Does 1 through 20, inclusive
6 (collectively, “Defendants”).

7 2. Through this action, Plaintiff alleges that Defendants have engaged in a
8 systematic pattern of wage violations under the California Labor Code and Industrial Welfare
9 Commission (“IWC”) Wage Orders, all of which contribute to Defendants’ deliberate unfair
10 competition.

11 3. Plaintiff asserts claims for civil penalties to the extent permitted by law, on behalf
12 of class members who held the positions identified herein and suffered one or more of the
13 violations alleged.

14 4. Plaintiff is informed and believes, and thereon alleges, that Defendants have
15 increased their profits by violating state wage and hour laws by, among other things:

- 16 (a) Failing to pay employees of each gender/sex the same wages for
17 substantially similar work;
- 18 (b) Promoting women more slowly and at lower rates than Defendants
19 promote men;
- 20 (c) Paying women less than Defendants pay men performing similar work; and
21 (d) Failing to pay women all wages when discharged or quitting.

22 5. Throughout the Class Period and throughout California, Defendants have paid
23 and continue to pay its female employees systematically lower compensation than Defendants
24 have paid and continue to pay male employees performing substantially similar or equal work
25 under similar working conditions, in violation of the California Equal Pay Act, California
26 Labor Code § 1197.5.

27 6. Specifically, Defendants have paid and continues to pay women less than men
28 in the same job position even though women and men in the same job position perform

1 substantially equal or similar work.

2 7. At all relevant times, Defendants have known or should have known of this
3 pay disparity between its female and male employees performing substantially equal or
4 similar work, yet Defendants have taken no action to equalize its male and female employees'
5 pay for substantially equal or similar work. Defendants' failure to pay female employees the
6 same compensation paid to male employees for substantially equal or similar work has been
7 and is willful.

8 8. Defendants have violated the Unfair and Unlawful Business Practices Act
9 ("UCCL"), Business & Professions Code §§ 17200 *et seq.*, through its violations of the Equal
10 Pay Act. Defendants have also violated the UCCL through the following violations of the
11 Fair Employment and Housing Act:

12 9. Specifically, throughout the Class Period and throughout California,
13 Defendants have violated and continue to violate the Fair Employment and Housing Act
14 ("FEHA"), Government Code § 12940(a), by discriminating against women with respect to
15 their compensation and employment on the basis of sex. Specifically, Defendants have
16 created and implemented common compensation and promotion policies and practices
17 through which it: (a) promotes women more slowly and at lower rates than similarly-situated
18 men, even though women are equally or more qualified for promotion; and (b) pays women
19 less than similarly-situates men. Defendants' violations of FEHA violate the UCCL.

20 10. Plaintiff brings this lawsuit seeking monetary relief against Defendants on
21 behalf of herself and all others similarly situated to recover, among other things, unpaid
22 wages, interest, civil penalties, damages, attorneys' fees, costs and expenses, and any other
23 appropriate relief pursuant to the Labor Code §§ 201-203, 1194.5, and 1197.5.

24 11. Plaintiff also brings this putative class action against Defendants on behalf of
25 herself and all other class members in the state of California for violations of California Labor
26 Code § 1197.5 for Failure to Provide Equal Pay on the Basis of Gender/Sex.

27 **JURISDICTION AND VENUE**

28 12. This is a class action, pursuant to California Code of Civil Procedure § 382.

1 The relief sought by Plaintiff exceeds the minimal jurisdictional limits of the Superior Court
2 and will be established according to proof at trial.

3 13. This Court has jurisdiction over this action pursuant to the California
4 Constitution, Article VI, § 10, which grants the Superior Court original jurisdiction in all
5 causes except those given by statutes to other courts. The statutes under which this action is
6 brought do not specify any other basis for jurisdiction.

7 14. Based on information and belief, Plaintiff alleges that this entire action arises
8 solely under the laws of the State of California and applicable regulations of the health, safety
9 and wages of the employees residing in the State of California. Plaintiff alleges, on
10 information and belief, that no federal question is raised.

11 15. This Court has jurisdiction over all Defendants because, upon information and
12 belief, they are citizens of California, have sufficient minimum contacts in California or
13 otherwise intentionally avail themselves of the California market so as to render the exercise
14 of jurisdiction over them by the California courts consistent with traditional notions of fair
15 play and substantial justice.

16 16. Venue is proper in this Court because, upon information and belief, Defendants
17 reside, transact business or have offices in this county and the acts and omissions alleged
18 herein took place in this county.

19 **THE PARTIES**

20 **Plaintiff**

21 17. Plaintiff Irina Weisfeiler is a citizen of California. Plaintiff was employed by
22 Defendant during the Relevant Time Period in California.

23 **Defendants**

24 18. Defendant ByteDance, Inc. (doing business as TikTok) is an international
25 corporation.

26 19. Plaintiff is unaware of the true names or capacities of the defendants sued as
27 Does 1 through 20 but will seek leave of this Court to amend this Complaint and serve such
28 fictitiously named defendants once their names and capacities become known.

1 20. Plaintiff is informed and believes, and thereon alleges, that Defendants at all
2 times hereinafter mentioned, were and are employers as defined in and subject to the Labor
3 Code and IWC Wage Orders, whose employees were and are engaged throughout this county
4 and the State of California.

5 21. In violation of the Equal Pay Act and UCCL, Defendant paid Plaintiff and
6 other women employed by Defendant less than men in the same positions for substantially
7 equal or similar work, throughout the Class Period.

8 22. Plaintiff is informed and believes, and thereon alleges, that each Defendant
9 acted in all respects pertinent to this action as the agent of the other Defendants, carried out a
10 joint scheme, business plan or policy in all respects pertinent hereto, and the acts of each
11 Defendants are legally attributable to the other Defendants. Furthermore, Defendants in all
12 respects acted as the employer and/or joint employer of Plaintiff and the other class members.

13 23. Plaintiff is informed and believes, and thereon alleges, that each and all of the
14 acts and omissions alleged herein were performed by, or are attributable to, Defendants and/or
15 DOES 1 through 20, acting as the agent or alter ego for the other, with legal authority to act
16 on the other's behalf. The acts of any and all Defendants were in accordance with, and
17 represent, the official policy of Defendants.

18 24. At all relevant times, Defendants, and each of them, acted within the scope of
19 such agency or employment, or ratified each and every act or omission complained of herein.
20 At all relevant times, Defendants, and each of them, aided and abetted the acts and omissions
21 of each and all the other Defendants in proximately causing the damages herein alleged.

22 25. Plaintiff is informed and believes, and thereon alleges, that each of said
23 Defendants are in some manner intentionally, negligently or otherwise responsible for the
24 acts, omissions, occurrences and transactions alleged herein.

25 **CLASS ACTION ALLEGATIONS**

26 26. Plaintiff brings this action under Code of Civil Procedure § 382 on behalf of
27 herself and all others similarly situated who were affected by Defendants' Labor Code and
28 IWC Wage Order violations.

1 27. All claims alleged herein arise under California law for which Plaintiff seeks
2 relief authorized by California law.

3 28. Plaintiff's proposed classes consists of and is defined as follows:

4 Class Definition

5 All current or former female California employees of Defendants from four
6 years and 179 days preceding the filing of this lawsuit until judgment.¹

7 29. Members of the class described above will be collectively referred to as "class
8 members." Plaintiff reserves the right to establish subclasses, or modify any Class or Subclass
9 definition, as appropriate based on investigation, discovery and specific theories of liability.

10 30. This action has been brought and may properly be maintained as a class action
11 under the California Code of Civil Procedure § 382 because there are common questions of
12 law and fact as to the Class that predominate over questions affecting only individual members
13 including, but not limited to:

- 14 (a) Whether Defendants failed to provide equal pay on the basis of gender/sex to
15 Plaintiff and class members;
- 16 (b) Whether Defendants promoted women more slowly and at lower rates than
17 Defendants promoted men;
- 18 (c) Whether Defendants paid women less than Defendants paid men performing
19 similar work; and
- 20 (d) Whether Defendants failed to pay women all wages when discharged or
21 quitting.

22 31. There is a well-defined community of interest in this litigation and the class is
23 readily ascertainable:

- 24 (a) Numerosity: The members of the Class are so numerous that joinder
25 of all members is impractical. Although the members of the Class are
26 unknown to Plaintiff at this time, on information and belief, the total
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28 ¹ The statute of limitations for this matter was tolled for 179 days pursuant to Cal. Rules of Court, Appendix I, Emergency Rule No. 9.

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number of individuals who make up the Class are estimated to be greater than 100 individuals. The identities of the Class are readily ascertainable by inspection of Defendants’ employment and payroll records.

(b) Typicality: The claims (or defenses, if any) of Plaintiff are typical of the claims (or defenses, if any) of the Class because Defendants’ failure to comply with the provisions of California wage and hour laws entitled each class member to similar pay, benefits and other relief. The injuries sustained by Plaintiff are also typical of the injuries sustained by the Class because they arise out of and are caused by Defendants’ common course of conduct as alleged herein.

(c) Adequacy: Plaintiff is qualified to and will fairly and adequately represent and protect the interests of all members of the Class because it is in her best interest to prosecute the claims alleged herein to obtain full compensation and penalties due to her and the Class. Plaintiff’s attorneys, as proposed class counsel, are competent and experienced in litigating large employment class actions and are versed in the rules governing class action discovery, certification, and settlement. Plaintiff has incurred and, throughout the duration of this action, will continue to incur attorneys’ fees and costs that have been and will be necessarily expended for the prosecution of this action for the substantial benefit of each class member.

(d) Superiority: The nature of this action makes the use of class action adjudication superior to other methods. A class action will achieve economies of time, effort and expense as compared with separate lawsuits, and will avoid inconsistent outcomes because the same issues can be adjudicated in the same manner and at the same time for each Class. If appropriate this Court can, and is empowered to, fashion

1 methods to efficiently manage this case as a class action.

2 (e) Public Policy Considerations: Employers in the State of California and
3 other states violate employment, labor, and consumer protection laws
4 every day. Current employees are often afraid to assert their rights out
5 of fear of direct or indirect retaliation. Former employees are fearful
6 of bringing actions because they believe their former employers might
7 damage their future endeavors through negative references and/or other
8 means. Class actions provide the class members who are not named in
9 the complaint with a type of anonymity that allows for the vindication
10 of their rights at the same time as affording them privacy protections.

11 **GENERAL ALLEGATIONS**

12 32. At all relevant times mentioned herein, Defendants employed Plaintiff and
13 other class members.

14 33. Plaintiff was employed by Defendants.

15 34. Defendants continue to employ employees throughout California.

16 35. Plaintiff is informed and believes, and thereon alleges, that at all times herein
17 mentioned, Defendants were advised by skilled lawyers, employees and other professionals
18 who were knowledgeable about California's wage and hour laws, employment and personnel
19 practices and the requirements of California law.

20 36. Plaintiff is informed and believes, and thereon alleges, that Defendants knew
21 or should have known that Plaintiff and the Class were entitled to wage rates not less than the
22 rates paid to employees of the opposite sex for substantially similar work and that they were
23 not receiving equal wage rates as employees of the opposite sex for substantially similar work.
24 In violation of the Labor Code, Plaintiff and the Class were not paid equal wages for
25 substantially similar work, when viewed as a composite of skill, effort, and responsibility, and
26 performed under similar working conditions. Upon information and belief, there is no wage
27 differential based on a seniority system, merit system, system that measures earnings by
28

1 quantity or quality of production, or bona fide factor other than sex, such as education,
2 training, or experience.

3 37. Plaintiff is informed and believes, and thereon alleges, that Defendants knew
4 or should have known they had a duty to compensate Plaintiff and the Class equally to those
5 of a different sex for performing substantially similar work, and Defendants had the financial
6 ability to pay such compensation but willfully, knowingly, and intentionally failed to do so
7 all in order to increase Defendants' profits.

8 **FIRST CAUSE OF ACTION**

9 **FAILURE TO PAY THE SAME WAGE AS EMPLOYEES OF THE OPPOSITE SEX**

10 **(Violation of Cal. Labor Code §§ 1194.5, 1197.5 *et seq.*)**

11 38. Plaintiff hereby re-alleges and incorporates by reference all paragraphs above
12 as though fully set forth herein.

13 39. Cal. Labor Code Section 1197.5 provides that it is unlawful for an employer
14 to pay any of its employees at wage rates less than the rates paid to employees of the opposite
15 sex or gender for substantially similar work, when viewed as a composite of skill, effort, and
16 responsibility, and performed under similar working conditions.

17 40. During the class period, Defendants paid Plaintiff and other female class
18 members less than employees of the opposite sex and gender for substantially equal or similar
19 work, when viewed as a composite of skill, effort, and responsibility, and performed under
20 similar working conditions.

21 41. During the class period, Defendants regularly failed to pay Plaintiff and other
22 female class members' wages at least equal wages to employees of the opposite sex and
23 gender performing substantially similar work pursuant to Cal. Labor Code Section 1197.5 *et*
24 *seq.*

25 42. Throughout the class period, Defendants have continued to maintain a
26 centrally determined and uniformly applied policy and/or practice of not adjusting employees'
27 wage rates to ensure that it does not pay its female employees less than its employees of the
28 opposite sex and gender for substantially equal or similar work.

1 43. Defendants' failure to pay women and men equal wages for performing
2 substantially equal or similar work is not justified by any lawful reason.

3 44. Defendants have willfully violated California Labor Code Section 1197.5 by
4 intentionally, knowingly, and/or deliberately paying women less than men for substantially
5 equal or similar work through the class period.

6 45. As a result of Defendants' ongoing conduct, violation of California Labor
7 Code Section 1197.5, and/or willful discrimination, Plaintiff and class members have suffered
8 and will continue to suffer harm, including but not limited to lost earnings, lost benefits, and
9 other financial loss, as well as non-economic damages.

10 46. Defendants' failure to pay Plaintiff and other female class members the
11 required equal wages violate Labor Code Section 1197.5 *et seq.* Pursuant to this section,
12 Plaintiff and other class members are entitled to recover the unpaid balance of their wage
13 compensation as well as interest, costs and attorneys' fees.

14 47. Pursuant to Labor Code Section 1197.5, Plaintiff and other class members are
15 entitled to recover liquidated damages as an additional amount equal to the amount of wages,
16 with interest, that the employees were deprived of by reason of the violation.

17 **SECOND CAUSE OF ACTION**

18 **FAILURE TO PAY ALL WAGES TO DISCHARGED AND QUITTING**

19 **EMPLOYEES**

20 **(Violation of Cal. Labor Code §§ 201-203, 1194.5)**

21 48. Plaintiff hereby re-alleges and incorporates by reference all paragraphs above
22 as though fully set forth herein.

23 49. Pursuant to California Labor Code Sections 201, 202, and 203, Defendants are
24 required to pay all earned and unpaid wages to an employee who is discharged or quits.
25 California Labor Code Section 201 mandates that if an employer discharges an employee, the
26 employee's wages accrued and unpaid at the time of discharge are due and payable
27 immediately. California Labor Code § 202 mandates that if an employee quits, the employee's
28 wages accrued and unpaid at the time of quitting are due and payable no later than 72 hours

1 after the employee quits her employment, unless the employee provided at least 72 hours of
2 notice of her intention to quit, in which case the wages are due immediately at the time of
3 quitting.

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

8 51. By paying Plaintiff and class members lower wages than wages paid to
9 employees of the opposite sex and gender for performing substantially equal or similar work,
10 Defendants have willfully failed and continue to fail to pay all accrued wages due to Plaintiff
11 and class members who have been discharged or who have quit, in violation of Labor Code
12 §§ 201 and 202, respectively.

13 52. As a result of Defendants' unlawful actions and omissions, Plaintiff and former
14 employee class members are entitled to all available statutory penalties, including the waiting
15 time penalties provided in California Labor Code California Labor Code § 203, together with
16 interest thereon, as well as other available remedies.

17 **THIRD CAUSE OF ACTION**

18 **UNLAWFUL AND UNFAIR BUSINESS PRACTICES**

19 **(Violation of Cal. Bus. & Prof. Code §§ 17200 et seq.)**

20 53. Plaintiff hereby re-alleges and incorporates by reference all paragraphs above
21 as though fully set forth herein.

22 54. Defendants' policies and/or practices of paying female employees less than
23 employees of the opposite sex or gender for substantially equal or similar work performed, of
24 discriminating against female employees in compensation on the basis of sex, and of failing
25 to timely pay female employees who are discharged or who quit all wages earned and due,
26 constitute unfair and unlawful business practices because Defendants' acts and omissions as
27 alleged herein have been conducted repeatedly over a significant period of time, and in a
28 systematic manner, to the detriment of Plaintiff and class members.

1 55. Defendants' acts and omissions, as alleged herein, violate the California Equal
2 Pay Act, as amended, Labor Code §1197.5 *et seq.*, the California Fair Employment and
3 Housing Act, Government Code §12940, and California Labor Code §§201, 202, and 203,
4 and therefore constitute unlawful business practices prohibited by Business & Professions
5 Code §17200 *et seq.*

6 56. Defendants' acts and omissions, as alleged herein, constitute unfair business
7 practices prohibited by Business & Professions Code §§17200 *et seq.* Defendants' business
8 practices of paying women less than employees of the opposite sex and gender for
9 substantially similar work, of paying women less than similarly-situated employees of the
10 opposite sex and gender, and of failing to promote women at the same rates that Defendants
11 promoted employees of the opposite sex and gender cause harm to Plaintiff and class members
12 that outweighs any reason Defendants may have for doing so. Defendants' business practices
13 as alleged herein are also immoral, unethical, oppressive, unscrupulous, and offensive to the
14 established public policies of ensuring women and men are paid equally for performing
15 substantially similar work, as reflected in both the California Equal Pay Act, Cal. Labor Code
16 §§1197.5 *et seq.*, and the federal Equal Pay Act, 29 U.S.C. §206(d) *et seq.*, 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
19 Rights Act of 1964, 42 U.S.C. §2000e *et seq.*

20 57. As a result of its unlawful and/or unfair business practices, Defendants have
21 reaped and continue to reap unfair and illegal profits at the expense of Plaintiff and class
22 members. Accordingly, Defendants should be required to disgorge their illegal profits, and
23 Plaintiff and class members are entitled to restitution with interest of such ill-gotten profits in
24 an amount according to proof at the time of trial.

25 58. Defendants' unlawful and/or unfair business practices entitle Plaintiff and
26 class members to preliminary and permanent injunctive relief and other equitable relief
27 available under law.

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1 **FOURTH CAUSE OF ACTION**

2 **DECLARATORY JUDGMENT**

3 (Cal. C.C.P. § 1060 *et seq.*)

4 59. Plaintiff hereby re-alleges and incorporates by reference all paragraphs above
5 as though fully set forth herein.

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

10 61. A declaratory judgment is necessary and proper in that Plaintiff contends that
11 Defendants have committed and continues to commit the violations set forth above and, on
12 information and belief, Defendants will deny that it has done so and/or will continue to
13 commit such acts.

14 **PRAYER FOR RELIEF**

15 Plaintiff, on her own behalf, on behalf of the class, prays for relief and judgment
16 against Defendants, jointly and severally, as follows:

17 1. For certification of this action as a class action, including certifying the class
18 alleged by Plaintiff;

19 2. For appointment of Irina Weisfeiler as the class representative;

20 3. For appointment of Lebe Law, APLC as class counsel for all purposes;

21 4. For all wages (including base salary, and bonuses) due pursuant to California
22 Labor Code § 1197.5(h) in an amount to be ascertained at trial;

23 5. For liquidated damages pursuant to California Labor Code § 1197.5(h);

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

27 7. For statutory and civil penalties according to proof, including but not limited
28 to all waiting time penalties authorized by California Labor Code § 203;

1 8. For restitution of all monies due to Plaintiff and class members, as well as
2 disgorgement of Defendants' profits from its unlawful and/or unfair business practices;

3 9. For declaratory relief;


4 10. For preliminary and permanent injunctive relief enjoining Defendants from
5 violating California Labor Code §§ 1197.5 *et seq.* by paying its female employees lower
6 wages than they pay their counterparts of the opposite sex and gender for substantially similar
7 work; and from engaging in the unfair and unlawful business practices complained of herein
8 in violation of the Business and Professions Code §§ 17200 *et seq.*;

9 11. For reasonable attorneys' fees, costs of suit, and interest to the extent permitted
10 by law, including pursuant to California Labor Code § 1197.5(h), and California Code of Civil
11 Procedure § 1021.5; and

12 12. For such other relief as the Court deems just and proper.

13 DATED: June 15, 2023

Lebe Law, APLC

14
15 By: 
16 Jonathan M. Lebe
17 Shigufa Saleheen
18 Brielle D. Edborg


19 Attorneys for Plaintiff Irina Weisfeiler,
20 Individually on behalf of all similarly situated

DEMAND FOR JURY TRIAL

21 Plaintiff hereby demands a jury trial with respect to all issues triable of right by jury.

22 DATED: June 15, 2023

Lebe Law, APLC

23
24 By: 
25 Jonathan M. Lebe
26 Shigufa Saleheen
27 Brielle D. Edborg

28 Attorneys for Plaintiff Irina Weisfeiler,
Individually on behalf of all others similarly situated

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Jonathan M. Lebe (SBN 284605), Shigufa Saleheen (SBN 341013), Brielle D. Edborg (SBN 347579) Lebe Law, APLC, 777 S Alameda Street, Second Floor Los Angeles, CA 90021 TELEPHONE NO.: (213) 444 1973 FAX NO.: ATTORNEY FOR (Name): Irina Weisfeiler

FOR COURT USE ONLY ELECTRONICALLY FILED Superior Court of California, County of Alameda 06/21/2023 at 03:26:43 PM By: Curtiyah Ganter, Deputy Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA STREET ADDRESS: 1225 Fallon St. MAILING ADDRESS: 1225 Fallon St. CITY AND ZIP CODE: Oakland, CA 94612 BRANCH NAME: Rene C. Davidson Courthouse

CASE NAME: Irina Weisfeiler, individually and on behalf of all others similarly situated v. Bytedance, Inc. dba TikTok

CIVIL CASE COVER SHEET [X] Unlimited (Amount demanded exceeds \$25,000) [] Limited (Amount demanded is \$25,000 or less)

Complex Case Designation [] Counter [] Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER: 23CV036439

JUDGE: DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case: Auto Tort, Contract, Provisionally Complex Civil Litigation, Other PI/PD/WD, Real Property, Enforcement of Judgment, Employment, Unlawful Detainer, Miscellaneous Civil Complaint, Judicial Review, Miscellaneous Civil Petition.

- 2. This case [X] is [] is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management: a. [] Large number of separately represented parties b. [] Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve c. [] Substantial amount of documentary evidence d. [] Large number of witnesses e. [] Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court f. [] Substantial postjudgment judicial supervision 3. Remedies sought (check all that apply): a. [X] monetary b. [] nonmonetary; declaratory or injunctive relief c. [] punitive 4. Number of causes of action (specify): Four (4) 5. This case [X] is [] is not a class action suit. 6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: June 15, 2023 Jonathan M. Lebe (TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE • Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions. • File this cover sheet in addition to any cover sheet required by local court rule. • If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding. • Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

- Auto (22)—Personal Injury/Property Damage/Wrongful Death
- Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- Asbestos (04)
 - Asbestos Property Damage
 - Asbestos Personal Injury/Wrongful Death
- Product Liability (*not asbestos or toxic/environmental*) (24)
- Medical Malpractice (45)
 - Medical Malpractice—Physicians & Surgeons
 - Other Professional Health Care Malpractice
- Other PI/PD/WD (23)
 - Premises Liability (e.g., slip and fall)
 - Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
 - Intentional Infliction of Emotional Distress
 - Negligent Infliction of Emotional Distress
 - Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

- Business Tort/Unfair Business Practice (07)
- Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
- Defamation (e.g., slander, libel) (13)
- Fraud (16)
- Intellectual Property (19)
- Professional Negligence (25)
 - Legal Malpractice
 - Other Professional Malpractice (*not medical or legal*)
- Other Non-PI/PD/WD Tort (35)

Employment

- Wrongful Termination (36)
- Other Employment (15)

Contract

- Breach of Contract/Warranty (06)
 - Breach of Rental/Lease Contract (*not unlawful detainer or wrongful eviction*)
- Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
- Negligent Breach of Contract/Warranty
- Other Breach of Contract/Warranty
- Collections (e.g., money owed, open book accounts) (09)
 - Collection Case—Seller Plaintiff
 - Other Promissory Note/Collections Case
- Insurance Coverage (*not provisionally complex*) (18)
 - Auto Subrogation
 - Other Coverage
- Other Contract (37)
 - Contractual Fraud
 - Other Contract Dispute

Real Property

- Eminent Domain/Inverse Condemnation (14)
- Wrongful Eviction (33)
- Other Real Property (e.g., quiet title) (26)
 - Writ of Possession of Real Property
 - Mortgage Foreclosure
 - Quiet Title
 - Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

- Commercial (31)
- Residential (32)
- Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

- Asset Forfeiture (05)
- Petition Re: Arbitration Award (11)
- Writ of Mandate (02)
 - Writ—Administrative Mandamus
 - Writ—Mandamus on Limited Court Case Matter
 - Writ—Other Limited Court Case Review
- Other Judicial Review (39)
 - Review of Health Officer Order
 - Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

- Antitrust/Trade Regulation (03)
- Construction Defect (10)
- Claims Involving Mass Tort (40)
- Securities Litigation (28)
- Environmental/Toxic Tort (30)
- Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

- Enforcement of Judgment (20)
 - Abstract of Judgment (Out of County)
 - Confession of Judgment (*non-domestic relations*)
 - Sister State Judgment
 - Administrative Agency Award (*not unpaid taxes*)
 - Petition/Certification of Entry of Judgment on Unpaid Taxes
 - Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

- RICO (27)
- Other Complaint (*not specified above*) (42)
 - Declaratory Relief Only
 - Injunctive Relief Only (*non-harassment*)
 - Mechanics Lien
 - Other Commercial Complaint Case (*non-tort/non-complex*)
 - Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

- Partnership and Corporate Governance (21)
- Other Petition (*not specified above*) (43)
 - Civil Harassment
 - Workplace Violence
 - Elder/Dependent Adult Abuse
 - Election Contest
 - Petition for Name Change
 - Petition for Relief From Late Claim
 - Other Civil Petition

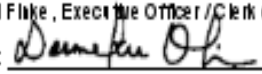
F. ADDENDUM TO CIVIL CASE COVER SHEET

Short Title: Weisfeiler, individually and on behalf of all others similarly situated v. Bytedance, Inc. dba TikTok	Case Number:
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CIVIL CASE COVER SHEET ADDENDUM

THIS FORM IS REQUIRED IN ALL NEW UNLIMITED CIVIL CASE FILINGS IN THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

		[] Hayward Hall of Justice (447)
[x] Oakland, Rene C. Davidson Alameda County Courthouse (446)		[] Pleasanton, Gale-Schenone Hall of Justice (448)
Civil Case Cover Sheet Category	Civil Case Cover Sheet Case Type	Alameda County Case Type (check only one)
Auto Tort	Auto tort (22)	[] 34 Auto tort (G) Is this an uninsured motorist case? [] yes [] no
Other PI /PD / WD Tort	Asbestos (04)	[] 75 Asbestos (D)
	Product liability (24)	[] 89 Product liability (<u>not</u> asbestos or toxic tort/environmental) (G)
	Medical malpractice (45)	[] 97 Medical malpractice (G)
	Other PI/PD/WD tort (23)	[] 33 Other PI/PD/WD tort (G)
Non - PI /PD / WD Tort	Bus tort / unfair bus. practice (07)	[] 79 Bus tort / unfair bus. practice (G)
	Civil rights (08)	[] 80 Civil rights (G)
	Defamation (13)	[] 84 Defamation (G)
	Fraud (16)	[] 24 Fraud (G)
	Intellectual property (19)	[] 87 Intellectual property (G)
	Professional negligence (25)	[] 59 Professional negligence - non-medical (G)
	Other non-PI/PD/WD tort (35)	[] 03 Other non-PI/PD/WD tort (G)
Employment	Wrongful termination (36)	[] 38 Wrongful termination (G)
	Other employment (15)	[x] 85 Other employment (G)
		[] 53 Labor comm award confirmation
		[] 54 Notice of appeal - L.C.A.
Contract	Breach contract / Wrnty (06)	[] 04 Breach contract / Wrnty (G)
	Collections (09)	[] 81 Collections (G)
	Insurance coverage (18)	[] 86 Ins. coverage - non-complex (G)
	Other contract (37)	[] 98 Other contract (G)
Real Property	Eminent domain / Inv Cdm (14)	[] 18 Eminent domain / Inv Cdm (G)
	Wrongful eviction (33)	[] 17 Wrongful eviction (G)
	Other real property (26)	[] 36 Other real property (G)
Unlawful Detainer	Commercial (31)	[] 94 Unlawful Detainer - commercial
	Residential (32)	[] 47 Unlawful Detainer - residential
	Drugs (38)	[] 21 Unlawful detainer - drugs
		Is the deft. in possession of the property? [] Yes [] No
Judicial Review	Asset forfeiture (05)	[] 41 Asset forfeiture
	Petition re: arbitration award (11)	[] 62 Pet. re: arbitration award
	Writ of Mandate (02)	[] 49 Writ of mandate
	Other judicial review (39)	[] 64 Other judicial review
		Is this a CEQA action (Publ.Res.Code section 21000 et seq) [] Yes [] No
Provisionally Complex	Antitrust / Trade regulation (03)	[] 77 Antitrust / Trade regulation
	Construction defect (10)	[] 82 Construction defect
	Claims involving mass tort (40)	[] 78 Claims involving mass tort
	Securities litigation (28)	[] 91 Securities litigation
	Toxic tort / Environmental (30)	[] 93 Toxic tort / Environmental
	Ins covrg from cmplx case type (41)	[] 95 Ins covrg from complex case type
Enforcement of Judgment	Enforcement of judgment (20)	[] 19 Enforcement of judgment
		[] 08 Confession of judgment
Misc Complaint	RICO (27)	[] 90 RICO (G)
	Partnership / Corp. governance (21)	[] 88 Partnership / Corp. governance (G)
	Other complaint (42)	[] 68 All other complaints (G)
Misc. Civil Petition	Other petition (43)	[] 06 Change of name
		[] 69 Other petition

SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA		Reserved for Clerk's File Stamp FILED Superior Court of California County of Alameda 06/20/2023 Clad File, Executive Officer/Clerk of the Court By:  Deputy D. Oliver
COURTHOUSE ADDRESS: Rene C. Davidson Courthouse Administration Building, 1221 Oak Street, Oakland, CA 94612		
PLAINTIFF: Irina Weisfeiler, individually and on behalf of all others similarly situated		
DEFENDANT: ByteDance, Inc.		
NOTICE OF CASE MANAGEMENT CONFERENCE		CASE NUMBER: 23CV036439

TO THE PLAINTIFF(S)/ATTORNEY(S) FOR PLAINTIFF(S) OF RECORD:

You are ordered to serve all named defendants and file proofs of service on those defendants with the court within 60 days of the filing of the complaint (Cal. Rules of Court, 3.110(b)).

Give notice of this conference to all other parties and file proof of service.

Your Case Management Conference has been scheduled on:

Date: 10/18/2023	Time: 8:30 AM	Dept.: 23
Location: Rene C. Davidson Courthouse Administration Building, 1221 Oak Street, Oakland, CA 94612		

TO DEFENDANT(S)/ATTORNEY(S) FOR DEFENDANT(S) OF RECORD:

The setting of the Case Management Conference does not exempt the defendant from filing a responsive pleading as required by law, you must respond as stated on the summons.

TO ALL PARTIES who have appeared before the date of the conference must:

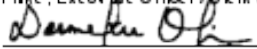
Pursuant to California Rules of Court, 3.725, a completed Case Management Statement (Judicial Council form CM-110) must be filed and served at least 15 calendar days before the Case Management Conference. The Case Management Statement may be filed jointly by all parties/attorneys of record or individually by each party/attorney of record.

Meet and confer, in person or by telephone as required by Cal. Rules of Court, rule 3.724.

Post jury fees as required by Code of Civil Procedure section 631.

If you do not follow the orders above, the court may issue an order to show cause why you should not be sanctioned under Cal. Rules of Court, rule 2.30. Sanctions may include monetary sanctions, striking pleadings or dismissal of the action.

The judge may place a Tentative Case Management Order in your case's on-line register of actions before the conference. This order may establish a discovery schedule, set a trial date or refer the case to Alternate Dispute Resolution, such as mediation or arbitration. Check the court's eCourt Public Portal for each assigned department's procedures regarding tentative case management orders at <https://eportal.alameda.courts.ca.gov>.

SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Rene C. Davidson Courthouse 1225 Fallon Street, Oakland, CA 94612	FILED Superior Court of California County of Alameda 06/20/2023
PLAINTIFF/PETITIONER: Irina Weisfeiler, individually and on behalf of all others similarly situated	Chad Finke, Executive Officer / Clerk of the Court By:  Deputy
DEFENDANT/RESPONDENT: ByteDance, Inc.	D. Oliver
CERTIFICATE OF MAILING	CASE NUMBER: 23CV036439

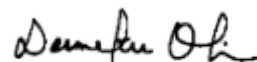
I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the attached document upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Oakland, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Jonathan M. Lebe
777 S Alameda Street Second Floor
Los Angeles, CA 90021

Chad Finke, Executive Officer / Clerk of the Court

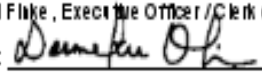
Dated: 06/21/2023

By:



D. Oliver, Deputy Clerk

CERTIFICATE OF MAILING

SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA		Reserved for Clerk's File Stamp FILED Superior Court of California County of Alameda 06/20/2023 Chief Clerk, Executive Officer/Clerk of the Court By:  Deputy D. Oliver
COURTHOUSE ADDRESS: Rene C. Davidson Courthouse Administration Building, 1221 Oak Street, Oakland, CA 94612		
PLAINTIFF: Irina Weisfeiler, individually and on behalf of all others similarly situated		
DEFENDANT: ByteDance, Inc.		
NOTICE OF COMPLEX DETERMINATION HEARING		CASE NUMBER: 23CV036439

TO THE PLAINTIFF(S)/ATTORNEY(S) FOR PLAINTIFF(S) OF RECORD:

You are ordered to serve all parties omitted from this notice or brought into the action after this notice was mailed.

Your Complex Determination Hearing has been scheduled on:

Date: 07/21/2023	Time: 9:30 AM	Dept.: 23
Location: Rene C. Davidson Courthouse Administration Building, 1221 Oak Street, Oakland, CA 94612		

Pursuant to California Rules of Court, Rule 3.400 et seq. and Local Rule 3.250 (Unified Rules of the Superior Court, County of Alameda), the above-entitled matter is set for a Complex Determination Hearing.

The judge may place a tentative ruling in your case's on-line register of actions before the hearing. Check the court's eCourt Public Portal for each assigned department's procedures regarding tentative rulings at <https://eportal.alameda.courts.ca.gov>.