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12 *Attorneys for Plaintiffs JUSTINA JONG, AMINA*  
13 *SALGADO and ZAINAB BORI on behalf of*  
14 *themselves and all others similarly situated*

15 [Additional counsel listed on next page]

16 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
17 COUNTY OF SAN FRANCISCO

18 JUSTINA JONG, AMINA SALGADO and  
19 ZAINAB BORI individually and on behalf of  
20 all others similarly situated,

21 Plaintiffs,

22 v.

23 APPLE INC.,

24 Defendant.

Case No.: CGC-24-615363

**CORRECTED SECOND AMENDED 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.*) (Disparate Impact)
3. Violations of the Fair Employment and Housing Act, as amended (Government Code § 12900 *et seq.*) (Disparate Treatment)
4. Unfair and Unlawful Business Practices (Bus. & Prof. Code § 17200 *et seq.*)
5. Failure to Pay All Wages Due to Discharged and Quitting Employees (Labor Code §§ 201-203, 1194.5) (Dismissed with prejudice on January 21, 2025 and included only for purposes of appeal.)
6. Declaratory Judgment (C.C.P. § 1060 *et seq.*)
7. Penalties under the Labor Code Private Attorneys General Act (Labor Code §§ 2698-2699.5)
8. Hostile work environment for Plaintiff Jong
9. Failure to accommodate disability for Plaintiff Jong

Judge: Hon. Ethan P. Schulman  
Department: 304

[Caption continues on next page]

10. Failure to engage in the good faith interactive process for accommodation of disability for Plaintiff Jong
11. Discrimination on the basis of race in violation of the Fair Employment and Housing Act (Gov. Code § 12900 *et seq.*) on behalf of Plaintiff Bori
12. Retaliation/Wrongful Discharge in violation of the Fair Employment and Housing Act (Gov. Code § 12900 *et seq.*) on behalf of Plaintiff Bori

JURY TRIAL DEMANDED

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*Attorneys for Plaintiffs JUSTINA JONG,  
AMINA SALGADO and ZAINAB BORI  
on behalf of themselves and all others similarly  
situated*

1 Plaintiffs Justina Jong, Amina Salgado, and Zainab Bori (collectively “Plaintiffs”),  
2 individually and on 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 and salary levels at Apple. That policy  
17 or practice led to women being paid less than men for substantially similar work because it  
18 perpetuates historical compensation disparities adverse to women. Apple knew or should have  
19 known of this pay disparity, yet took no action to remedy the inequality. Apple’s failure to pay  
20 female employees the same wage rates paid to male employees for substantially similar work was  
21 willful.

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



**PARTIES**

1  
2           10. Plaintiff Justina Jong is a woman who has been employed by Apple in California  
3 from approximately June 2013 through the present. Since joining Apple, Ms. Jong has held various  
4 roles within Apple’s Retail and Marketing division’s Worldwide Developer Relations/App Review  
5 team, including as a Sales Specialist, Mobile Technician, Language Specialist, Team Lead, and  
6 Customer/Technical Training Instructor. Ms. Jong, who is bilingual in English and Mandarin, has  
7 successfully performed her work in these roles, including leading cross-functional teams that  
8 improve the App Review experience for global app developers. When Ms. Jong was hired by  
9 Apple, Apple had a policy of asking new hires about their prior salary. Apple offered Ms. Jong  
10 essentially the same base salary that she had received at her prior job. Ms. Jong has been paid less  
11 at Apple than men performing substantially similar work. While at work at Apple, Ms. Jong saw  
12 the Form W-2 that a male colleague left on an office printer; that document showed that her male  
13 colleague was making over \$10,000 more than she was, even though they shared the same job  
14 position and level and performed substantially similar work. Ms. Jong was also sexually harassed  
15 by a co-worker at Apple, forced to work in a hostile work environment next to the co-worker who  
16 had harassed her, and denied accommodations to be transferred to other teams. Ms. Jong works in  
17 Apple’s Sunnyvale office.

18           11. Plaintiff Amina Salgado is a woman who has been employed by Apple since 2012  
19 and has worked for Apple as an Area Manager in the AppleCare division, the Early Careers  
20 Program, the Career Services Programs, and Investigation Operations. She is currently working on  
21 a temporary assignment with the People Team as a Development Manager for the AppleCare  
22 division. Ms. Salgado was paid less than men performing substantially similar work while  
23 employed by Apple, about which she complained to Apple a number of times. Apple conducted an  
24 internal investigation after one of those complaints, but did not raise Ms. Salgado’s compensation.  
25 After Ms. Salgado complained again that she was paid less than men performing substantially  
26 similar work, Apple retained a third-party firm to conduct an investigation. The third party’s  
27 investigation concluded that, in fact, Ms. Salgado was paid less than men performing substantially  
28 similar work. That investigation concluded that male comparators performing substantially similar

1 work were paid more than Ms. Salgado. As a result of the third-party investigation, in late 2023,  
2 Apple increased Ms. Salgado's compensation prospectively, but failed and refused to pay Ms.  
3 Salgado back pay for the years during which she was paid less than men performing substantially  
4 similar work. Ms. Salgado works remotely for Apple in the Sacramento area, near its Elk Grove  
5 office.

6 12. Plaintiff Zainab Bori is a woman who was employed by Apple in Cupertino,  
7 California as an Engineering Program Manager in Apple's Engineering division from June 2021  
8 through May 2024. When Apple hired Ms. Bori in June 2021, Apple asked Ms. Bori, in violation  
9 of California law, about her compensation at her then-current employer, Cisco. Apple also asked  
10 Ms. Bori about her pay expectations. Ms. Bori provided a pay expectations figure that took into  
11 account the higher cost of living in California than in North Carolina (where she worked for Cisco)  
12 and the fact that she earned overtime while at Cisco, and gave a pay expectations number  
13 somewhat higher than her base salary at Cisco. Apple assigned Ms. Bori a starting salary that was  
14 close to her base salary at Cisco, taking into account the higher cost of living in California and the  
15 fact that Ms. Bori had worked overtime while at Cisco. The starting salary Apple assigned to Ms.  
16 Bori was slightly lower than the figure Ms. Bori had given to Apple as what she expected to be  
17 paid. Apple assigned Ms. Bori to salary level ITC3, even though she had seven years of experience  
18 as in engineering program management. Around the same time Apple assigned Ms. Bori to ICT3,  
19 Apple assigned men with less experience than Ms. Bori into higher salary levels, such as ICT4,  
20 based on their higher prior pay and higher pay expectations. When Ms. Bori learned that she in fact  
21 met the job requirements for ICT4, she asked Apple to promote her to that salary level, but that  
22 request was denied. While Ms. Bori worked as an Engineering Program Manager at Apple, at least  
23 two men on her team who had the same job position and level – Mr. D\_\_\_ and Mr. K\_\_\_ were  
24 paid substantially more than she was for performing substantially similar work. Apple paid those  
25 two male colleagues both higher base salaries than Ms. Bori and far more RSUs than Ms. Bori.

26 13. 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 14. 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 15. 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 16. 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           17.     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 three named Plaintiffs, less than  
7 men in the same job position and level, even though under Apple’s job classification system  
8 persons in the same job positions and level performed substantially similar work.

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

17           19.     Since at least January 2018, Apple has asked job applicants to provide their pay  
18 expectations. Pay expectations are highly correlated with prior pay; studies show that persons  
19 asked for pay expectations generally provide an amount slightly higher than the pay at their current  
20 or last job position. Apple’s policy or practice of collecting information about pay expectations and  
21 using that information to set starting salaries had a disparate impact on women, both because it  
22 resulted in women being assigned to lower salary levels than men with similar education,  
23 experience, and skills and because it resulted in women being assigned lower salaries and  
24 receiving lower compensation than men in the same job positions and levels performing  
25 substantially similar work.

26           20.     Raises at Apple perpetuate and widen the gender pay gap because they are based on a  
27 percentage of the employees’ existing Apple base salary—so the longer a woman works at Apple,  
28

1 the larger the gap in compensation she receives compared to similarly situated men, even men  
2 performing substantially equal or similar work in the same job position.

3 21. Apple's performance evaluation system is biased against women because for scored  
4 categories such as teamwork and leadership, men are rewarded and women are penalized for the  
5 same behaviors. Because performance evaluation scores have a relationship to bonuses, RSUs, and  
6 pay increases at Apple, Apple's biased performance evaluation system has had a disparate impact  
7 on women.

8 22. Apple has a policy or practice of selecting individuals who Apple has identified as  
9 having "talent" and compensating those persons more highly than other employees. Apple's  
10 practice of selecting persons with "talent" is biased against women and has a disparate impact on  
11 women, causing them to be paid less than men with similar skills, experience, responsibility, and  
12 performance.

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

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

1 **CLASS ACTION ALLEGATIONS**

2 25. Plaintiffs bring their first, second, third, fourth, and sixth causes of action on behalf  
3 of themselves and on behalf of the following proposed class (“Class”):

4 All women employed by Apple in California in its Engineering, AppleCare, and Marketing  
5 divisions at any time during the time period between June 13, 2020, through the date of  
6 trial in this action.

7 26. Plaintiffs bring their fifth cause of action on behalf of a subclass of class members  
8 who separated from Apple during the time period between June 13, 2020 through the date of trial  
9 in this action.

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

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

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

1 particular “talent” is biased against women and has a disparate impact on women. These common  
2 questions of law and fact predominate over any questions affecting only individual Class Members  
3 in this action.

4 c. Plaintiffs Jong, Salgado, and Bori’s claims are typical of putative Class  
5 Members’ claims because they are women who were employed by Apple in California during the  
6 Class Period in one or more of the Covered Positions, and, on information and belief, were paid  
7 less than male employees for substantially similar work. They worked at Apple when Apple had a  
8 policy or practice of using prior pay and later pay expectations to set starting salaries. They were  
9 subject to Apple’s performance evaluation system. They were impacted by Apple’s policy of  
10 paying more compensation to certain employees identified as having “talent,” and none of them  
11 were so identified.

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

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

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

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3  
4 28. Plaintiffs hereby re-allege and incorporate by reference all allegations in each and  
5 every preceding paragraph as if fully set forth herein.

6 29. Throughout the Class Period, Apple has discriminated against Plaintiffs and all  
7 Class Members in violation of California Labor Code § 1197.5 by paying its female employees at  
8 wage rates less than the wage rates it has paid and pays to its male employees for substantially  
9 similar work, when viewed as a composite of skill, effort, and responsibility, and performed under  
10 similar working conditions. Apple groups persons performing substantially similar work by job  
11 position and level. Apple nevertheless pays its women less than men in the same job positions and  
12 levels performing substantially similar work.

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

15 31. Apple has willfully violated California Labor Code § 1197.5 by intentionally,  
16 knowingly, and deliberately paying women less than men for substantially similar work throughout  
17 the Class Period. Apple knew that it was paying women less than men in the same job positions  
18 and levels performing substantially similar work but took no action to equalize men's and  
19 women's pay. Apple's failure to pay female employees the same wage rates for substantially  
20 similar work was willful.

21 32. As a result of Apple's conduct, violation of California Labor Code § 1197.5, and/or  
22 Apple's willful discrimination, Plaintiffs Jong, Salgado, and Bori and Class Members have  
23 suffered and will continue to suffer harm, including but not limited to lost earnings, lost benefits,  
24 and other financial loss, as well as non-economic damages.

25 33. Plaintiffs Jong, Salgado, Bori, and Class Members are therefore entitled to all legal  
26 and equitable remedies available under law, including wages due, interest thereon, and liquidated  
27 damages.  
28





1           46.     Apple’s policies and/or practices of (a) paying female employees less than male  
2 employees for substantially similar work performed, (b) adopting and implementing compensation  
3 policies and practices (including using prior pay and, later, pay expectations to set starting salary  
4 and starting salary level) that have a disparate impact on women, and (c) failing to timely pay  
5 female employees who are discharged or who quit all wages earned and due constitute business  
6 practices because Apple’s acts and omissions as alleged herein have been done repeatedly over a  
7 significant period of time, and in a systematic manner, to the detriment of Plaintiffs and Class  
8 Members.

9           47.     Apple’s acts and omissions, as alleged herein, violate the California Equal Pay Act,  
10 as amended, Labor Code § 1197.5, the California Fair Employment and Housing Act, and  
11 California Labor Code §§ 201, 202, and 203, and therefore constitute unlawful business practices  
12 prohibited by Business & Professions Code § 17200 *et seq.*

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

26           49.     As a result of its unlawful and/or unfair business practices, Apple has reaped and  
27 continues to reap unfair and illegal profits at the expense of Plaintiffs and Class Members.  
28 Accordingly, Apple should be disgorged of its illegal profits, and Plaintiffs and Class Members are

1 entitled to restitution with interest on such ill-gotten profits in an amount according to proof at the  
2 time of trial.

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

6  
7 **FIFTH CAUSE OF ACTION**

8 **Failure to Pay All Wages Due to Discharged and Quitting Employees**

9 **Cal. Labor Code §§ 201-203, 1194.5**

10 **(On Behalf of Plaintiff Bori and Members of the Plaintiff Class who Separated from Apple**  
11 **During the Class Period)**

12 **(This claim was dismissed with prejudice on January 21, 2025; it is included in this Second**  
13 **Amended Class Action Complaint only to preserve it for purposes of appeal. There is no**  
14 **need for Defendant to once again demur to this cause of action; it is not currently an active**  
15 **cause of action in this case.)**

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

18 52. Pursuant to California Labor Code §§ 201, 202, and 203, Apple is required to pay  
19 all earned and unpaid wages to an employee who is discharged or quits. California Labor Code §  
20 201 mandates that if an employer discharges an employee, the employee's wages accrued and  
21 unpaid at the time of discharge are due and payable immediately. California Labor Code § 202  
22 mandates that if an employee quits, the employee's wages accrued and unpaid at the time of  
23 quitting are due and payable no later than 72 hours after the employee quits his or her employment,  
24 unless the employee provided at least 72 hours of notice of his or her intention to quit, in which  
25 case the wages are due immediately at the time of quitting. Plaintiff Bori and Class Members who  
26 separated from Apple during the Class Period were entitled to be paid the wages that they would  
27 have been paid had they been paid the same wages and compensation as men performing  
28 substantially similar work. Plaintiff Bori and Class Members who separated from Apple during the  
Class Period were not paid all wages due when they separated from Apple.

53. California Labor Code § 203 provides that if an employer willfully fails to pay in  
accordance with California Labor Code §§ 201 and 202 any wages of an employee who is

1 discharged or who quits, the employer is liable for waiting time penalties in the form of continued  
2 compensation to the employee at the same rate for up to 30 workdays.

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

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

11 **SIXTH CAUSE OF ACTION**

12 **Declaratory Judgment**  
13 **Cal. C.C.P. § 1060 *et seq.***

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

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

17 57. An actual controversy has arisen and now exists between the parties relating to  
18 the legal rights and duties of the parties as set forth above, for which Plaintiffs desire a declaration  
19 of rights and other relief available pursuant to the California Declaratory Judgment Act, C.C.P. §  
20 1060 *et seq.*

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

24 **SEVENTH CAUSE OF ACTION**

25 **Representative Action for Civil Penalties**  
26 **Cal. Labor Code §§ 2698-2699.5**

27 **(Brought by Plaintiffs Jong and Salgado on Behalf of Themselves, All Similarly Aggrieved**  
28 **Current and Former Apple Employees, and the State)**

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



1           65.     When Ms. Jong joined Apple, Blaine Weilert, a senior member of the Talent  
2 Development Team, was responsible for training Ms. Jong and other new hires. After being trained  
3 by Mr. Weilert, Ms. Jong began working with him to train other new hires.

4           66.     Throughout their time working together, Mr. Weilert would stare at Ms. Jong's  
5 body and touch her arms and shoulder. He also made a sexually charged comment to her. Mr.  
6 Weilert's sexually charged behaviors towards other colleagues were known in the office. Some of  
7 Mr. Weilert's sexually charged behaviors towards Ms. Jong were observed by other colleagues as  
8 well.

9           67.     On or about January 11, 2019, Mr. Weilert touched Ms. Jong's body in a sexually  
10 suggestive manner without her consent.

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

17           69.     Nevertheless, Ms. Jong was required to continue to work with Mr. Weilert, which  
18 caused her profound emotional distress and mental anguish, including anxiety, depression,  
19 insomnia, and PTSD. Ms. Jong expressed disappointment in Mr. Gillaspie's decision, declined to  
20 continue to work with Mr. Weilert, and explained that this was extremely distressing for her  
21 because Mr. Weilert sexually harassed her many times, and she had been sexually assaulted and  
22 harassed multiple times by others in her life. Mr. Gillaspie asked Ms. Jong to be fair to Mr. Weilert  
23 and asked her to talk to someone else about her struggles, implying that she should see a medical  
24 professional.

25           70.     Ms. Jong became aware that Mr. Weilert regularly commented on the attractiveness  
26 of female employees and often harassed others. She observed Mr. Weilert rubbing a female  
27 colleague's hands. Some colleagues told her about how Mr. Weilert harassed them and made  
28 sexually charged comments about other colleagues. Ms. Jong and one of the colleagues filed

1 complaints against Mr. Weilert to Mr. Gillaspie. Ms. Jong continued to object to working with Mr.  
2 Weilert. Nevertheless, these complaints did not change Mr. Gillaspie's decision to make Ms. Jong  
3 continue to work alongside Mr. Weilert.

4 71. On or about March 4, 2019, Ms. Jong went on medical leave due to PTSD and  
5 extreme distress caused by the toxic workplace.

6 72. On or about March 4, 2019, to try to escape working with Mr. Weilert, she was  
7 forced to transfer from the Talent Development Team to the Content and Communication Team,  
8 where she had to take on tasks that she was not hired or trained for and continue to work with  
9 Blaine Weilert on different projects.

10 73. As set forth below, Apple's leadership ratified the actions of Mr. Weilert, by  
11 promoting him, pressuring Ms. Jong to work with and sit next to him, by questioning Ms. Jong's  
12 commitment to her job when she raised concerns about continuing to work with Mr. Weilert, and  
13 by denying Ms. Jong's requests for accommodations.

14 74. In August 2019, Blaine Weilert was promoted to manager of the Talent  
15 Development team. Ms. Jong continued to suffer from emotional distress and mental anguish,  
16 including anxiety, depression, insomnia, and PTSD.

17 75. On or about March 23, 2022, David Foote, a Worldwide Developer Relations/App  
18 Review Support Manager at Apple, announced that Blaine Weilert would be sitting adjacent to Ms.  
19 Jong in Apple's offices. Working alongside someone who had sexually harassed Ms. Jong and  
20 touched her against her will created a hostile work environment and interfered with her ability to  
21 do her work. Ms. Jong immediately emailed Mr. Foote pleading and requesting not to sit directly  
22 next to Mr. Weilert. She explained how the situation exacerbated her disability due to previously  
23 being sexually harassed by Mr. Weilert.

24 76. In a video call on or about March 24, 2022, Mr. Foote questioned Ms. Jong's  
25 willingness to perform her job and collaborate with Mr. Weilert and the team. He also advised her  
26 to be "professional, respectful, and collaborative" in working with him and alongside Mr. Weilert.  
27 Although Ms. Jong desperately explained her struggles with Mr. Weilert, and her past trauma, and  
28

1 she asked if she “needs to quit to survive”, Mr. Foote advised her to “move forward from this,” and  
2 asked if she talked to someone else about this, implying that she should see a medical professional.

3 77. On or about March 25, 2022, Mr. Foote responded to Ms. Jong’s email and stated  
4 that he would get back to her regarding her request to not sit directly next to Mr. Weilert.

5 78. On March 28, 2022, Ms. Jong was forced to take a medical leave of absence due to  
6 the ongoing hostile work environment. After that time, Apple refused to grant Ms. Jong’s and her  
7 doctor’s multiple requests to transfer to a different team away from Mr. Weilert, the managers, and  
8 human resources representatives who supported and promoted Mr. Weilert while refusing to  
9 protect or accommodate Ms. Jong.

10 79. Instead of granting the accommodation request, Apple assigned Ms. Jong a recruiter  
11 and asked her to search, apply, interview, and compete for job openings at the company if she  
12 wanted to leave her role and the toxic work environment.

13 80. As a result of these actions by Apple, Ms. Jong’s career at Apple has stalled.  
14 Apple’s actions as described above offended, humiliated, and distressed Ms. Jong, disrupting her  
15 emotional tranquility at work, interfering with her ability to perform her job, and otherwise  
16 undermining her health and personal sense of well-being.

17  
18 **NINTH CAUSE OF ACTION**

19 **Cal. Gov. Code §§ 12940(m)**

20 **Fair Employment and Housing Act**

21 **(Failure to Accommodate Disability on Behalf of Plaintiff Jong)**

22 81. Plaintiffs reallege and incorporate by reference all preceding paragraphs as alleged  
23 above as if fully set forth herein.

24 82. The FEHA makes it unlawful for an employer “to fail to make reasonable  
25 accommodation for the known physical or mental disability of an applicant or employee.” Cal.  
26 Gov’t Code § 12940.

27 83. Ms. Jong was able to perform the essential functions of her job, which involved  
28 working on worldwide developer experience through building out customer service,  
communication, and other processes, as well as providing educational materials to end users.



1 to a request for reasonable accommodation by an employee or applicant with a known physical or  
2 mental disability or known medical condition.” Cal. Gov't Code § 12940(n).

3 90. After Ms. Jong’s sexual harasser was assigned to sit next to her, she emailed Mr.  
4 Foote, requesting a change in seating assignment, explaining that sitting next to her sexual harasser  
5 would exacerbate her disability. Apple did not timely grant this request. Nor did Apple engage in a  
6 timely interactive process with Ms. Jong to determine alternative, effective reasonable  
7 accommodations.

8 91. During Ms. Jong’s leave, she requested to be transferred to a different team. Apple  
9 denied Ms. Jong’s request without engaging in a good-faith interactive process.

10  
11 **ELEVENTH CAUSE OF ACTION**  
12 **Cal. Gov. Code §§ 12900, etc.**  
13 **Fair Employment and Housing Act**  
**(Race Discrimination on Behalf of Plaintiff Bori)**

14 92. Plaintiff Bori realleges and incorporates all preceding paragraphs.

15 93. Ms. Bori received performance reviews and mid-year assessments of at least  
16 “meeting expectations” during her employment at Apple from June 2021 until early 2024.

17 94. In Spring 2024, Ms. Bori was assigned to report to a new manager. That manager  
18 had a history of negative interactions with African American employees. Ms. Bori is African  
19 American.

20 95. At Ms. Bori’s mid-year assessment in late March/early April 2024, Ms. Bori’s new  
21 manager made negative comments about Ms. Bori’s work, and claimed that the comments were  
22 based on statements made by persons with whom Ms. Bori had worked. Ms. Bori asked those  
23 persons whether they had made those statements, and those persons told Ms. Bori that her manager  
24 had misconstrued and mischaracterized their statements.

25 96. Less than three weeks after Ms. Bori received this negative mid-year assessment,  
26 she was told that she would be terminated for poor performance. Ms. Bori had not previously  
27 received a negative performance review from Apple. This racially discriminatory review was a  
28 substantial motivating factor for Ms. Bori’s termination.





1 and Housing Act through the adoption and implementation of policies and practices that have a  
2 disparate impact or from violating the Unfair Competition Law by engaging in the unfair and  
3 unlawful business practices complained of herein;

4 118. For reasonable attorneys' fees and costs pursuant to California Labor Code §§  
5 1197.5(h) and 2699(g)(1), California Code of Civil Procedure §1021.5, and/or any other applicable  
6 provision providing for attorneys' fees and costs;

7 119. For damages, punitive damages, and injunctive relief available to Ms. Jong under  
8 Government Code §12900 on her claim for sexual harassment, failure to accommodate, and failure  
9 to engage in a timely, good-faith interactive process;

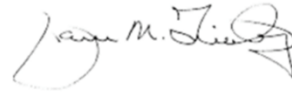
10 120. For damages, punitive damages, and injunctive relief available to Ms. Bori under  
11 Government Code §12900 on her claims for race discrimination, retaliation, and wrongful  
12 discharge; and

13 121. For such further relief that the Court may deem just and proper.

14 Respectfully submitted,

15 Dated: February 7, 2025

16 JAMES M. FINBERG  
17 EVE CERVANTEZ  
18 TALIA STENDER  
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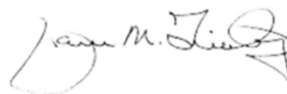
1 **DEMAND FOR JURY TRIAL**

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

5 Respectfully submitted,

6 Dated: February 7, 2025

7 JAMES M. FINBERG  
8 EVE CERVANTEZ  
9 TALIA STENDER  
10 Altshuler Berzon LLP



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