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 8 *on behalf of herself and all others similarly situated*

9
 10 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
 11 **SAN FRANCISCO DIVISION**

12
 13 SYDNEY FREDERICK-OSBORN, on behalf
 14 of herself and all others similarly situated,

15 Plaintiffs,

16 v.

17 TWITTER, INC., and X CORP.,

18 Defendants
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Case No. 3:24-cv-125

**CLASS AND COLLECTIVE ACTION
 COMPLAINT AND JURY DEMAND**

1. DISCRIMINATION IN VIOLATION OF TITLE VII, 42 U.S.C. § 2000e, *et seq.*
2. DISCRIMINATION IN VIOLATION OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT, Gov. Code § 12900, *et seq.*
3. DISCRIMINATION IN VIOLATION OF THE ADEA, 29 U.S.C. § 621, *et seq.*
4. DISCRIMINATION IN VIOLATION OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT, Gov. Code § 12900, *et seq.*

1 **I. INTRODUCTION**

2 1. Plaintiff Sydney Frederick-Osborn files this Class and Collective Action
3 Complaint against Twitter, Inc. and X Corp. (collectively “Twitter”), on her own behalf and on
4 behalf of other female Twitter employees, as well as older employees, who were constructively
5 discharged from their jobs during the chaotic months following multi-billionaire Elon Musk’s
6 purchase of the company in late 2022.

7 2. Plaintiff brings claims of discrimination under Title VII, 42 U.S.C. § 2000e, *et*
8 *seq.*, and (for employees who worked out of California) the California Fair Employment and
9 Housing Act (“FEHA”), Gov. Code § 12900, *et seq.*, challenging the company’s constructive
10 termination of female employees and older employees who refused to agree to new working
11 conditions designed to result in the culling of female employees from Twitter’s workforce in the
12 wake of Musk’s acquisition of the company.

13 3. Plaintiff also files this Class and Collective Action Complaint against Twitter on
14 her own behalf and on behalf of other Twitter employees age fifty (50) or older across the
15 country who were constructively discharged from their jobs during the chaotic months after
16 multi-billionaire Elon Musk purchased the company.

17 4. Plaintiff brings claims of discrimination under the Age Discrimination in
18 Employment Act of 1967 (“ADEA”), and (for employees who worked out of California) the
19 California Fair Employment and Housing Act (“FEHA”), Gov. Code § 12900, *et seq.*,
20 challenging the company’s constructive termination of employees age fifty (50) or older who
21 refused to agree to new working conditions designed to result in the culling of older employees
22 from Twitter’s workforce in the wake of Musk’s acquisition of the company.

23 5. As described further below, shortly after Elon Musk completed his purchase of
24 Twitter, he immediately began laying off more than half of its workforce.
25

1 who have lost their jobs as a result of the implementation of the discriminatory policies, and as a
2 Rule 23 class action for those employees who worked in California.

3 12. Defendant Twitter, Inc. is a Delaware corporation, headquartered in San
4 Francisco, California.

5 13. Defendant X Corp. is a Nevada corporation, headquartered in San Francisco,
6 California.

7 14. In or about March 2023, Twitter merged with X Corp., and as a result Twitter and
8 X Corp. are a single entity. X Corp. has successor liability for Twitter's unlawful acts. Twitter
9 and X Corp. are referred to herein as "Twitter".
10

11 **III. JURISDICTION**

12 15. This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. § 1331 and
13 29 U.S.C. § 2104(a)(5).

14 16. This Court has supplemental jurisdiction under 28 U.S.C. § 1367 over Plaintiff's
15 state law claims, because those claims derive from a common nucleus of operative facts with
16 Plaintiff's federal claims.

17 17. This Court has personal jurisdiction over Twitter, as it is headquartered in this
18 District and conducts substantial business operations in this District.

19 **IV. STATEMENT OF FACTS**

20 18. Twitter is a social media company that used to employ thousands of people across
21 the United States.

22 19. In April 2022, it was announced that multi-billionaire Elon Musk would be
23 purchasing the company.

24 20. Following Elon Musk's purchase of Twitter in late October 2022, Musk
25 immediately began a mass layoff that affected well more than half of Twitter's workforce. See
26 Kate Conger, Ryan Mac, and Mike Isaac, Confusion and Frustration Reign as Elon Musk Cuts
27

1 Half of Twitter’s Staff, NEW YORK TIMES (November 4, 2022),
2 <https://www.nytimes.com/2022/11/04/technology/elon-musk-twitter-layoffs.html>; Kate Conger,
3 Ryan Mac, and Mike Isaac, In Latest Round of Job Cuts, Twitter is said to Layoff at Least 200
4 Employees, NEW YORK TIMES (February 26, 2023),
5 <https://www.nytimes.com/2023/02/26/technology/twitter-layoffs.html>; Ryan Morrison, Twitter
6 ‘lays off 10% of its global workforce’ in Elon Musk’s latest job cuts, TECHMONITOR (February
7 27, 2023, updated March 9, 2023) (“The Company’s headcount is down 75%.”),
8 <https://techmonitor.ai/policy/digital-economy/twitter-job-cuts-elon-musk>.

10 21. The decisions regarding which employees would be laid off were made under
11 extremely hurried circumstances, with little if any regard given to employees’ job performance,
12 qualifications, experience, and abilities.

13 22. Indeed, decisions regarding laying off thousands of employees were made in a
14 period of just days after Musk’s acquisition of the company.

15 23. After an initial wave of mass layoffs, widely circulated pictures of Twitter
16 employees before and after the layoff raised observations about the stark contrast in the number
17 of women who appeared to be employed at the company before and after Musk’s acquisition.
18 Rachna Manojkumar Dhanrajani, Curious case of Twitter’s missing women: Before and after
19 pictures shock the internet, Business Today (November 21, 2022), [Curious case of Twitter's](#)
20 [missing women: Before and after pictures of Twitter office shock the internet - BusinessToday](#);
21 Kanishka Sarkar, Where have all the women gone from Elon Musk’s Twitter? ‘Before & after’ office
22 photos shock internet, CNBC (November 21, 2022), [Where Have All The Women Gone From Elon](#)
23 [Musk'S Twitter? 'Before & After' Office Photos Shock Internet \(cnbctv18.com\)](#).

24 24. The data from these layoffs bear out these observations and demonstrate that this
25 initial wave of layoffs was discriminatory towards women.

1
2 Going forward, to build a breakthrough Twitter 2.0 and succeed in an increasingly
3 competitive world, we will need to be extremely hardcore. This will mean working long
4 hours at high intensity. Only exceptional performance will constitute a passing grade.

5 Twitter will also be much more engineering-driven. Design and product management will
6 still be very important and report to me, but those writing great code will constitute the
7 majority of our team and have the greatest sway. At its heart, Twitter is a software and
8 servers company, so I think this makes sense.

9 If you are sure that you want to be part of the new Twitter, please click yes on the link
10 below:

11 [LINK]

12 Anyone who has not done so by 5pm ET tomorrow (Thursday) will receive three months
13 of severance.

14 Whatever decision you make, thank you for your efforts to make Twitter successful.

15 Elon

16 32. The ultimatum was intended to, and did, result in further layoffs. The ultimatum
17 resulted in more women, including Dr. Frederick- Z:\Shared\LLR_Data\Data\CLASS
18 ACTIONS\Twitter\!Twitter Sex Discrimination Case 2 - Frederick-Osborn\Drafts and Pleadings,
19 leaving the company than men. Indeed, approximately 36% of remaining women left the
20 company as a result of this ultimatum, while approximately 28% of men did.

21 33. The undertone of the policies and message from Twitter was also that it was
22 prioritizing younger employees and was not welcoming to older employees.

23 34. Following Musk's ultimatum, Dr. Frederick-Osborn, who was in her late 50s at
24 the time, felt she was no longer welcome at Twitter, given her sex and age. She felt that Musk's
25 policies and messages seemed directed at maintaining a workforce that was largely young and
26 male. As such, she did not click yes on the ultimatum link that Musk sent employees on
27 November 16, 2022.

28 35. The next day, Dr. Frederick-Osborn was laid off.

1 36. The fact that more women than men were laid off and forced out of the company
2 through constructive discharge since Musk’s acquisition is not surprising given Musk’s history
3 of making sexist, demeaning, and hostile comments against women. Such comments show his
4 discriminatory animus against women, and it is understandable that women would feel less
5 welcome in the workplace under his leadership. As Twitter’s new owner and CEO, Musk’s
6 discriminatory animus is imputed to Twitter.
7

8 37. Examples of Musk’s discriminatory and demeaning comments about women
9 include his posting of tweets on Twitter in which he joked about naming a school using the
10 acronym “TITS” and making other jokes about women’s breasts. See Chandra Steele, Elon Musk
11 is a Misogynist and It Matters, PCMag (December 13, 2021), [Elon Musk Is a Misogynist and It](#)
12 [Matters | PCMag](#) (quoting Musk’s tweet: “Am thinking of starting new university: Texas
13 Institute of Technology & Science”); Jon Christian, Elon Musk Deletes Sexist Tweets, The Byte
14 (October 31, 2021), [Elon Musk Deletes Sexist Tweets \(futurism.com\)](#); Stock Joker on Twitter:
15 "@ZJAYres @PhilKoopman Now deleted, but only D cups need apply
16 <https://t.co/40NBcDTonb> / Twitter); Ananya Bhattacharya, In one tweet, Elon Musk captures
17 the everyday sexism faced by women in STEM, Quartz (November 1, 2021), [Elon Musk's tweet](#)
18 [captures everyday sexism faced by women in STEM \(qz.com\)](#).

19 38. Shortly before acquiring Twitter, Musk, who has been vocal about promoting
20 women having a lot of babies (presumably disseminating the message that is more important
21 than keeping their jobs), tweeted: “Being a Mom is just as important as any career.” Twitter
22 (August 17, 2022), <https://twitter.com/elonmusk/status/1559823434028400640>. Within weeks of
23 announcing the layoffs, Musk tweeted “Testosterone rocks ngl”. Twitter (December 4, 2022),
24 <https://twitter.com/elonmusk/status/1599345615443746817>
25
26
27

1 39. Later, Musk had the “w” on the sign of the corporate headquarters painted white
2 so that the company’s name appeared to be “Titter.” See Twitter (April 9, 2023),
3 <https://twitter.com/elonmusk/status/1645266104351178752?cxt=HHwWgIC-7cGzINUtAAAA>.

4 40. Similarly, the fact that older employees were laid off in greater proportion than
5 younger employees, and many older employees were forced out of the company after Musk’s
6 acquisition, is not surprising given Musk’s history of making ageist comments. Such comments
7 show his discriminatory animus against older individuals, and it is understandable that older
8 employees would feel less welcome in the workplace under his leadership. As Twitter’s new
9 owner and CEO, who oversaw and closely managed the employees who were making layoff
10 decisions and implementing his policies, Musk’s discriminatory animus is imputed to Twitter.

11 41. For example, in a 2022 interview with the CEO of the publishing company Axel
12 Springer, Musk commented:

13 I don’t think we should try to have people live for a really long time. That
14 it would cause asphyxiation of society because the truth is, most people
15 don't change their mind, ...they just die. So, if they don't die, we will be
16 stuck with old ideas and society wouldn't advance . . . [a]nd it is just
17 impossible to stay in touch with the people if you are many generations
18 older than them.

19 [https://www.foxbusiness.com/lifestyle/lonely-elon-musk-humans-shouldnt-live-longer-
20 asphyxiate-society](https://www.foxbusiness.com/lifestyle/lonely-elon-musk-humans-shouldnt-live-longer-asphyxiate-society).

21 **V. EXHAUSTION OF ADMINISTRATIVE REMEDIES**

22 42. Plaintiff Frederick-Osborn filed an administrative charge of sex discrimination
23 under Title VII and age discrimination under the ADEA with the Equal Employment
24 Opportunity Commission and under the California Fair Employment and Housing Act with the
25 California Civil Rights Department.

1 **COUNT I**

2 **Title VII**
3 **42 U.S.C. § 2000e, et seq.**

4 Plaintiff and other female employees have been entitled to the protections of Title VII, 42
5 U.S.C. § 2000e, *et seq.*, which prohibits discrimination on the basis of sex. Twitter’s conduct in
6 implementing policies that intentionally (or unintentionally) affected and forced out a higher
7 proportion of women than men, and that led to more women leaving the company, constitutes
8 unlawful discrimination against Plaintiff and other similarly situated female Twitter employees
9 on the basis of sex in violation of Title VII.

10 **COUNT II**

11 **California Fair Employment and Housing Act**
12 **Gov. Code § 12900, et seq.**
13 **(Sex Discrimination)**

14 Plaintiff and other female employees have been entitled to the protections of the
15 California Fair Employment and Housing Act (“FEHA”), Gov. Code § 12900, *et seq.* Twitter’s
16 conduct in implementing policies that intentionally (or unintentionally) affected and forced out a
17 higher proportion of women than men, and that led to more women leaving the company,
18 constitutes unlawful discrimination against Plaintiff and other similarly situated female Twitter
19 employees who worked in California on the basis of sex in violation of the FEHA.

20 **COUNT III**

21 **Age Discrimination in Employment Act**
22 **29 U.S.C. § 621**

23 Plaintiff and other older employees are entitled to the protections of the ADEA, 29 U.S.C.
24 § 621, which prohibits discrimination on the basis of age. Twitter’s conduct in implementing
25 policies that intentionally (or unintentionally) affected and forced out older employees (aged 50
26 and older), and that led to employees aged 50 and older leaving the company, constitutes

1 unlawful discrimination against Plaintiff and other similarly situated Twitter employees on the
2 basis of age in violation of the ADEA.

3
4 **COUNT IV**

5 **California Fair Employment and Housing Act**
6 **Gov. Code § 12900, *et seq.***
7 **(Age Discrimination)**

8 Plaintiff and other employees age fifty (50) and older have been entitled to the
9 protections of the California Fair Employment and Housing Act (“FEHA”), Gov. Code § 12900,
10 *et seq.* Twitter’s conduct in implementing policies that intentionally (or unintentionally) affected
11 and forced out older employees (aged 50 and older), and that led to employees aged 50 and older
12 leaving the company, constitutes unlawful discrimination against Plaintiff and other similarly
13 situated Twitter employees who worked in California on the basis of age in violation of the
14 FEHA.

15 **JURY DEMAND**

16 Plaintiff requests a trial by jury on the claims asserted here.

17
18 WHEREFORE, Plaintiff requests that this Court enter the following relief:

- 19
20 a. Certify this case as a class action under Title VII and the Fair Employment and
21 Housing Act;
- 22 b. Certify this case as a collective action under the ADEA;
- 23 c. Declare and find that Defendants are liable to Plaintiff and other similarly situated
24 female employees under Title VII, 42 U.S.C. § 2000e, *et seq.*, and, with respect to
25 employees who have worked out of California, the Fair Employment and Housing
26 Act, Gov. Code § 12900, *et seq.*;

- 1 d. Declare and find that Defendants are liable to Plaintiff and other similarly situated
2 older employees whose rights are protected under the ADEA, 29 U.S.C. § 621, and,
3 with respect to employees who have worked out of California, the Fair Employment
4 and Housing Act, Gov. Code § 12900, *et seq.*;
- 5 e. Reinstate female and older employees who wish to return to their jobs;
- 6 f. Award compensatory and any other appropriate damages, including emotional
7 distress and punitive damages under Title VII and the Fair Employment and Housing
8 Act;
- 9 g. Award liquidated damages under the ADEA;
- 10 h. Award pre- and post-judgment interest;
- 11 i. Award reasonable attorneys' fees, costs, and expenses; and
- 12 j. Award any other relief to which Plaintiff and other similarly situated employees may
13 be entitled.
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18 Dated: January 5, 2024

Respectfully submitted,

19 SYDNEY FREDERICK-OSBORN, on behalf of
20 herself and all others similarly situated,

21 By her attorneys,

22 /s/ Shannon Liss-Riordan

23 Shannon Liss-Riordan, SBN 310719

24 Thomas Fowler (*pro hac vice* forthcoming)

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