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Justine De Caires, Grae Kindel,
Alexis Camacho, and Jessica Pan,
on behalf of themselves
and all others similarly situated*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Case No. 3:22-cv-6857

EMMANUEL CORNET, JUSTINE DE
CAIRES, GRAE KINDEL, ALEXIS
CAMACHO, AND JESSICA PAN, on behalf
of themselves and all others similarly situated,

Plaintiffs,

v.

TWITTER, INC.

Defendant.

CLASS ACTION COMPLAINT

1. VIOLATION OF WARN ACT (29 U.S.C. §§ 2101 *ET SEQ.*)
2. VIOLATION OF CALIFORNIA WARN ACT (CAL. LAB. CODE §§ 1400 *ET SEQ.*)
3. DECLARATORY JUDGMENT ACT, 28 U.S.C. §§ 2201-02

1 **I. INTRODUCTION**

2 1. Emmanuel Cornet, Justine De Caires, Grae Kindel, Alexis Camacho, and Jessica
3 Pan, individually and on behalf of all others similarly situated, file this Class Action Complaint
4 against Defendant Twitter, Inc. (“Twitter”) for its violation and anticipated further violation of
5 the federal Worker Adjustment and Retraining Notification Act, 29 U.S.C. § 2101 *et seq.* (the
6 “WARN Act”), as well as the California WARN Act, Cal. Lab. Code § 1400 *et seq.* (the
7 “California WARN Act”).

8
9 2. As described further below, shortly after the company’s purchase by Elon Musk,
10 during the first week of November 2022, Twitter began a mass layoff. It has been widely
11 reported that Twitter plans to lay off about 3,700 employees, approximately 50% of its total
12 workforce. See, e.g., Jon Brodtkin, Musk to cut half of Twitter jobs and end remote work for the
13 rest, report says, ARS TECHNICA (November 3, 2022), [https://arstechnica.com/tech-](https://arstechnica.com/tech-policy/2022/11/report-musk-to-lay-off-50-of-twitter-staff-reverse-work-from-home-policy/)
14 [policy/2022/11/report-musk-to-lay-off-50-of-twitter-staff-reverse-work-from-home-policy/](https://arstechnica.com/tech-policy/2022/11/report-musk-to-lay-off-50-of-twitter-staff-reverse-work-from-home-policy/); Kate
15 Conger, Elon Musk Begins Layoffs at Twitter, NEW YORK TIMES (November 3, 2022),
16 [https://www.nytimes.com/2022/11/03/technology/twitter-layoffs-elon-musk.html?smid=nytcore-](https://www.nytimes.com/2022/11/03/technology/twitter-layoffs-elon-musk.html?smid=nytcore-ios-share&referringSource=articleShare)
17 [ios-share&referringSource=articleShare](https://www.nytimes.com/2022/11/03/technology/twitter-layoffs-elon-musk.html?smid=nytcore-ios-share&referringSource=articleShare); Alex Heath, Elon Musk’s Twitter layoffs are starting,
18 THE VERGE (November 3, 2022), [https://www.theverge.com/2022/11/3/23439802/elon-musks-](https://www.theverge.com/2022/11/3/23439802/elon-musks-twitter-layoffs-start-friday-november-4)
19 [twitter-layoffs-start-friday-november-4](https://www.theverge.com/2022/11/3/23439802/elon-musks-twitter-layoffs-start-friday-november-4); Kali Hays, Elon Musk starts layoffs at Twitter
20 immediately after an email went out saying cuts would start the next day, BUSINESS INSIDER,
21 [https://www.businessinsider.com/layoffs-at-twitter-begin-night-before-elon-musk-said-they-](https://www.businessinsider.com/layoffs-at-twitter-begin-night-before-elon-musk-said-they-would-2022-11)
22 [would-2022-11](https://www.businessinsider.com/layoffs-at-twitter-begin-night-before-elon-musk-said-they-would-2022-11).

23 3. Twitter began the layoffs with a few employees. For example, on November 1,
24 2022, Twitter terminated Plaintiff Emmanuel Cornet without providing advanced written
25 warning, as required by the federal WARN Act and California WARN Act, which require sixty
26 (60) days advance written notice of a mass layoff.

6. Another company owned by Elon Musk, Tesla, recently engaged in mass layoffs without notice. That company attempted to obtain releases from laid off employees without informing them of their rights under the federal or California WARN Acts. A federal court subsequently ordered the company to provide employees notice of the claims that had been filed on their behalf. See Lynch v. Tesla, Inc., 2022 WL 42952953 *6 (W.D. Tex. Sept. 16, 2022).

7. Plaintiffs file this action seeking to ensure that Twitter comply with the law and provide the requisite notice or severance payment in connection with the anticipated layoffs and that it not solicit releases of claims of any employees without informing them of the pendency of this action and their right to pursue their claims under the federal or California WARN Act.

8. Plaintiffs seek immediate injunctive relief, as well as a declaratory judgment under the Declaratory Judgment Act, 28 U.S.C. §§ 2201-02, on behalf of themselves and all similarly situated employees, precluding Twitter from circumventing the requirements of the WARN Act and the California WARN Act.

9. Plaintiff Emmanuel Cornet is an adult resident of San Francisco, California, where he worked from January 2021 until his layoff on November 1, 2022.

10. Plaintiff Justine De Caires is an adult resident of San Francisco, California, where they have worked as an employee of Twitter assigned to Twitter's office in San Francisco.

1 11. Plaintiff Grae Kindel is an adult resident of Medford, Massachusetts, where they
2 have worked as an employee of Twitter assigned to Twitter's office in Cambridge,
3 Massachusetts.

4 12. Plaintiff Alexis Camacho is an adult resident of Honolulu, Hawaii, where she has
5 worked as an employee of Twitter assigned to Twitter's headquarters in San Francisco,
6 California.

7 13. Plaintiff Jessica Pan is an adult resident of Alameda, California, where she has
8 worked as an employee of Twitter assigned to Twitter's headquarters in San Francisco,
9 California.

10 14. Plaintiffs Cornet, De Caires, Pan, and Kindel bring this lawsuit as a Rule 23 class
11 action asserting (1) a federal WARN Act claim on behalf of all Twitter employees throughout
12 the United States who are laid off in a "mass layoff" or "plant closing," as defined by the WARN
13 Act, following the purchase of Twitter by Elon Musk, and who are not given a minimum of sixty
14 (60) days' written notice of termination and (2) a California WARN Act claim on behalf of all
15 California Twitter employees who are laid off in a "mass layoff" or "plant closing," as defined
16 by the California WARN Act, following the purchase of Twitter by Elon Musk, and who are not
17 given a minimum of sixty (60) days' written notice of termination.

18 15. All Plaintiffs bring a declaratory judgment claim asking the Court to enjoin
19 Twitter from violating the federal and California WARN Act and from soliciting releases from
20 employees who are being laid off without informing them of the pendency of this case and their
21 rights under those statutes.

22 16. Defendant Twitter, Inc. ("Twitter") is a Delaware corporation, headquartered in
23 San Francisco, California.

24
25 **III. JURISDICTION**

26 17. This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. § 1331 and
27

1 29 U.S.C. § 2104(a)(5).

2 18. This Court has personal jurisdiction over this matter because Twitter is
3 headquartered in this District and conducts substantial business operations in this District.

4 19. This Court has supplemental jurisdiction under 28 U.S.C. § 1367 over Plaintiffs'
5 state law claims, because those claims derive from a common nucleus of operative facts with
6 Plaintiffs' federal claims.

7 **IV. STATEMENT OF FACTS**

8 20. Twitter employs thousands of people across the United States. Following the
9 purchase of the company by Elon Musk, in early November 2022, Twitter initiated what has
10 been widely reported as a mass layoff of employees at its sites across the country. It has been
11 widely reported in the media that Twitter's CEO Elon Musk communicated to Twitter's staff that
12 the company plans to eliminate approximately 3,700 of Twitter's employees, making up about
13 50% of its total workforce. See, e.g., Jon Brodtkin, Musk to cut half of Twitter jobs and end
14 remote work for the rest, report says, ARS TECHNICA (November 3, 2022),
15 [https://arstechnica.com/tech-policy/2022/11/report-musk-to-lay-off-50-of-twitter-staff-reverse-](https://arstechnica.com/tech-policy/2022/11/report-musk-to-lay-off-50-of-twitter-staff-reverse-work-from-home-policy/)
16 [work-from-home-policy/](https://arstechnica.com/tech-policy/2022/11/report-musk-to-lay-off-50-of-twitter-staff-reverse-work-from-home-policy/).

17 21. Plaintiffs Cornet, De Caires, Camacho, and Pan have been employed in Twitter's
18 headquarters in San Francisco, California, and Plaintiff Kindel was employed in Twitter's office
19 in Cambridge, Massachusetts.

20 22. As an early example of the anticipated mass layoff, on November 1, 2022,
21 Plaintiff Cornet was notified that his employment was being terminated effective immediately.
22 Twitter did not provide sixty (60) days advance written notice (or any advance notice at all) to
23 Plaintiff Cornet of his impending layoff. Nor did Twitter provide any severance pay to Plaintiff
24 Cornet.
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27
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