1 SHANNON LISS-RIORDAN (SBN 310719)
2 (sliss@llrlaw.com)
   THOMAS FOWLER (*pro hac vice* forthcoming)
3 (tfowler@llrlaw.com)
   LICHTEN & LISS-RIORDAN, P.C.
4 729 Boylston Street, Suite 2000
   Boston, MA 02116
5 Telephone: (617) 994-5800
6 Facsimile: (617) 994-5801

7 *Attorneys for Plaintiffs Emmanuel Cornet,*
   Justine De Caires, Grae Kindel,
8 *Alexis Camacho, and Jessica Pan,*
   on behalf of themselves
9 *and all others similarly situated*

10

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

13

14   Case No. 3:22-cv-6857

15 EMMANUEL CORNET, JUSTINE DE
    CAIRES, GRAE KINDEL, ALEXIS
16 CAMACHO, AND JESSICA PAN, on behalf   **CLASS ACTION COMPLAINT**
    of themselves and all others similarly situated,
17   1. VIOLATION OF WARN ACT (29
18   Plaintiffs,   U.S.C. §§ 2101 *ET SEQ.*)
                                               2. VIOLATION OF CALIFORNIA
19   v.   WARN ACT (CAL. LAB. CODE §§
                                                  1400 *ET SEQ.*)
20 TWITTER, INC.   3. DECLARATORY JUDGMENT ACT,
                                                  28 U.S.C. §§ 2201-02
21   Defendant.

22

23

24

25

26

27

28   1
                        CLASS ACTION COMPLAINT

I.   <u>INTRODUCTION</u>

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

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

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

CLASS ACTION COMPLAINT

4.   On November 3, 2022, Plaintiffs Justine De Caires, Jessica Pan, and Grae Kindel were locked out of their Twitter accounts, which they understood to signal that they were being laid off.

5.   Plaintiffs are very concerned that Twitter will continue these layoffs without providing the requisite notice. News reports have stated that more widespread layoffs will proceed beginning tomorrow, November 4, 2022.

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.

II.   PARTIES

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.

3
CLASS ACTION COMPLAINT

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

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

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

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

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

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

III.   **JURISDICTION**

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

CLASS ACTION COMPLAINT

29 U.S.C. § 2104(a)(5).

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

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

IV.   <u>STATEMENT OF FACTS</u>

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

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

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

CLASS ACTION COMPLAINT

DOCKET ALARM

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts

Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research

With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips

Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.