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12

UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

14

15 Kimberly Carleste Newman, Lisa Cabrera,  
Catherine Jones, and Denotra Nicole Lewis,

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Plaintiffs,

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vs.

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19 Google LLC, YouTube LLC, Alphabet Inc,  
and DOES 1 through 100, inclusive,

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Defendants.

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Case No.

**CLASS ACTION COMPLAINT FOR  
DECLARATORY JUDGMENT,  
RESTITUTION AND DAMAGES**

Trial Date: None Set

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1 Plaintiffs, Kimberly Carleste Newman, Lisa Cabrera, Catherine Jones, and Denotra Nicole  
2 Lewis, bring this lawsuit (the “Lawsuit”), individually and on behalf of a putative class of similarly  
3 situated persons, against Defendant YouTube LLC (“YouTube”), and its parent companies,  
4 Google LLC (“Google”) and Alphabet Inc. (collectively referred to as “Google/YouTube” or  
5 “Defendants,” unless otherwise specified).

6 Substantial overlaps exists between the claims, allegations, putative classes and issues in  
7 this Lawsuit with case pending before this Court captioned *Divino Group, LLC et al., v. Google,*  
8 *LLC, et al*, Case No. 5:19-cv-004749 – VKD (N.D. Cal.) (“*Divino*”). After reviewing Civil L.R. 3-  
9 12 governing related cases, it is unclear whether this Lawsuit technically meets the specific criteria  
10 and elements required for relation under Local Rule 3-12. Specifically, this Lawsuit does not  
11 involve *all* of “the same parties,” or the identical “property” owned by the same parties in *Divino*. It  
12 is also unclear whether the “transactions” are the same within the meaning of Local Rule 3-12 or  
13 whether the “events” consist of the identical unlawful conduct of restricting of access to the  
14 YouTube platform based on the profiling and discriminatory use of a person’s personal identity or  
15 viewpoint in *Divino* that may be different from the racial identity profiling and discrimination  
16 against Plaintiffs and the members of the Class in this Lawsuit. Consequently, while Plaintiffs do  
17 not believe that all of the requirements for designating the Lawsuit “related” come within the  
18 definition of Local Rule 3-12, Plaintiffs are not opposed to having this Lawsuit related to, or  
19 otherwise coordinated with, the pending proceedings in *Divino*.

## 20 **I. INTRODUCTION AND PREFATORY STATEMENT OF THE CASE**

21 1. Plaintiffs are African American content creators, viewers, and consumers who bring  
22 this Lawsuit to redress overt, intentional, and systematic racial discrimination perpetrated by  
23 Google/YouTube to deny them and other members of a protected racial classification under the law  
24 equal access to YouTube, the most “ubiquitous” provider of public video content and internet  
25 access services in the history of the world.

26 2. Defendants are members of the largest business enterprise, private or public, in the  
27 world. Through this enterprise, Defendants exercise complete, absolute, and “unfettered” control  
28 over access to approximately 95% of all video content that is available to the public. This includes

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