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Attorneys for Plaintiff
MIHIKA BAID
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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

MIHIKA BAID, as an individual and on
behalf of all others similarly situated

Plaintiff,

vs.

GOOGLE INC., a Delaware corporation;
and DOES 1 through 100, inclusive,

Defendants.

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3/2/2017 10:56:55 AM
Clerk of Court
Superior Court of CA,
County of Santa Clara
16CV301321
Reviewed By:R. Walker

Case No. 16CV301321
[Assigned for all purposes to the Honorable
Brian C. Walsh]
**JOINT CASE MANAGEMENT
STATEMENT**
DATE: March 17, 2017
TIME: 10:00 a.m.
DEPT: 1

Complaint Filed: October 19, 2016
Trial Date: None set

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1 Plaintiff Mihika Baid (“Plaintiff”) and Defendant Google Inc (“Defendant”) (collectively,
2 “Parties”) submit this Joint Case Management Conference statement.

3
4 **1. Additional Parties**

5 All parties have appeared in this action. The parties do not anticipate the addition of any
6 other parties to this litigation. However, Plaintiff reserves the right to add additional parties
7 depending on Defendant’s defenses and/or discovery.

8
9 **2. Service List**

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1 **3. Status of Discovery**

2 There has been no formal discovery by either party to date in light of this Court's
3 discovery stay. Defendant has agreed to produce information requested by Plaintiff to facilitate
4 an effective mediation. If the parties do not resolve this matter at mediation, the parties agree to a
5 lift of the discovery stay effective the date of the case management conference on March 17,
6 2017.

7
8 **4. Arbitration Clauses**

9 **Plaintiffs' Position**

10 Plaintiff is not aware of any applicable arbitration agreements.

11 **Defendant's Position**

12 Plaintiff's second cause of action for wrongful termination in violation of public policy is
13 subject to arbitration, pursuant to the At-Will Employment, Confidential Information, Invention
14 Assignment and Arbitration Agreement that Plaintiff executed on January 27, 2015. If the parties
15 fail to resolve this matter at mediation, Defendant will move promptly to sever Plaintiff's second
16 cause of action and compel it to arbitration.

17 **5. Related Litigation**

18 The parties are not aware of any related cases.

19
20 **6. Factual and Legal Issues**

21 **Plaintiffs' Position**

22 This is a wage and hour PAGA action arising from Defendant's failure to pay wages in a
23 timely manner at the end of each pay period. Labor Code § 204(d) requires employees to be paid
24 out by the seventh (7th) day following the closing of the pay period if employees are paid on a
25 weekly or bi-weekly basis. Defendant, who paid its employees on a bi-weekly basis, had a
26 consistent policy of paying the wages of its employees on the eighth (8th) day or later following
27 the close of the respective pay period, and thus, beyond the time periods as allowed pursuant to
28 Labor Code § 204. This PAGA action is being sought on behalf of Defendant's other aggrieved

1 employees.

2 In addition to the PAGA action, Plaintiff also asserts individual claims for wrongful
3 termination in violation of public policy. Specifically, Plaintiff engaged in protected activity by
4 removing alcohol from the workplace (due to fear for her personal safety and the safety of co-
5 workers), and to prevent sexual harassment. However, by exercising such rights, Plaintiff was
6 terminated from her employment.

7 **Defendant's Position**

8 Plaintiff was employed by Defendant from approximately January 27, 2015 to April 12,
9 2016 as a Program Manager. In late March 2016, a Google employee reported that several
10 personal items had gone missing. Google's asset investigations team confirmed through video
11 evidence that Plaintiff had taken the reported items. During its investigation, Plaintiff provided
12 inconsistent accounts of her actions, which Google deemed to lack credibility. As a result,
13 Google terminated Plaintiff's employment for violation of company policy and the dishonest
14 conduct she exhibited.

15 Google denies that its payroll schedule was inconsistent with section 204 of the Labor
16 Code. Moreover, Plaintiff cannot show that she or any of the members of the group she seeks to
17 represent were aggrieved. An award of civil penalties under PAGA would result in an award that
18 is unjust, arbitrary, and oppressive.

19 7. **ADR**

20 **Plaintiffs' Position**

21 The Parties are scheduled to mediate this lawsuit on March 13, 2017 with mediator David
22 Rotman.

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