



Three New Plaintiffs Join James Damore's Discrimination Lawsuit Against Google

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Three new plaintiffs have joined former Google employee James Damore's lawsuit against the company, alleging gender, racial, and political discrimination.

Manuel Amador, Stephen McPherson, and Michael Burns, who were all job applicants turned down by Google, have joined the lawsuit.

"As amply supported by the allegations set forth in this First Amended Complaint, Google has adopted a pattern and practice of disparately and adversely treating similarly situated job applicants because of the applicants' race, sex, and political affiliations and activities," declares the updated lawsuit. "Google and its management fetishize 'diversity' as measured by these protected characteristics only, and mandate that the percentage of non-Caucasian/Asian, non-male, and non-conservatives employed by Google increase rapidly over time. In so doing, Google assigns negative value to applications submitted by persons perceived to be members of Google-disfavored races, male, and/or conservative, by virtue of the applicant's protected traits, affiliations, or activities."

"Caucasian/Asian, non-male, or non-conservative applicant will be hired over similarly situated Caucasian/Asian, male, conservative applicants for any given position," the complaint continued. "Thus, in the alternative, Google's hiring practices negatively and disparately impact job applicants, including Amador, McPherson, and Burns, who are, or are perceived to be, members of Google disfavored races, male, and/or conservative. Individuals from these categories are disproportionately less likely to be hired by Google as a causal result of Google's illegal hiring practices."

Manuel Amador

According to the lawsuit, Amador, who joined Google as a Systems Engineer, eventually left the company after being asked to apologize for something he did not say.

Despite being faced with such hostility, Amador continued to voice his opinions, in direct defiance of those at Google that seek to silence and expel all opposing viewpoints. The culture of intolerance, however, eventually became too much for Amador to bear. In or around June 2016, Amador was called to a meeting with Google HR as a result of someone falsely accusing Amador of believing that people have differing levels of intelligence based on that person's race. Amador has never thought that, does not believe it to be true, and has never written or spoken as if he believed it to be true. This false complaint was filed by an anonymous complainant as means to stifle Amador's political activities and conversations at Google, was done to harass Amador on the basis of his race and/or gender, and resulted in Amador receiving a letter from Google reprimanding Amador.

Despite the complaint being entirely fabricated, Google sided with the harassers and asked that Amador issue an apology. At that point, Amador felt compelled to leave Google as a result of the hostile work environment created by, and left unchecked at, Google. To stay at Google brought with it an unacceptably high risk that Amador's personal and professional reputation would be permanently tarnished by those at Google bent on suppressing and expelling those who hold viewpoints different from their own, Google-disfavored races, and/or males. By demanding that Amador apologize over a falsified complaint, Google sent a clear message that it would allow and enable such hostile, retaliatory, and oppressive conduct to occur unchecked.

Amador then released an open letter following his departure.

In his written notice of resignation to Google's Adam Iwanicki and Brian Kennan, Amador stated that though he profoundly appreciated his involvement on his team, "the way in which [Amador] ha[s] been repeatedly treated by other members of the company (including H.R.) in response to [Amador] speaking up on a variety of subjects, ranging from political events to workplace conditions, ha[s] made [Amador's] stay at Google too stressful...."

Amador also released an open letter in which Amador said "goodbye" to Google and identified his reasons for leaving. Specifically, Amador wrote that "Google employs a few individuals (from rank-and-file to upper management) who are or have become highly ideological. They have made it one of their ostensible missions to have the entire company conform to these ideologies. Most of them believe that all of us – me and many others included – should not be permitted to impugn or question the ideologies they want to impose."

Amador's letter further elaborates on the politically-charged monoculture that is hostile to certain viewpoints, including conservatism and libertarianism: "many people (including me) have faced contempt, opprobrium, insults, smears, provocations, threats of industry blacklisting, and even frivolous H.R. reports that influence my career (and many others'), in retaliation for voicing my mind. The tone of this treatment was always particularly intense whenever I dared to question the set of ideologies that I found

incorrect, toxic or divisive. I have been slurred as a racist, a sexist and ‘privileged,’ in direct contradiction to the content of my thoughts...I have been directly ordered by senior management to ‘stop posting immediately’ on a thread where I had managed to give other Googlers the impression that it was okay to discuss a common myth about free speech.” As a result of this hostility, Amador was forced to leave Google.

After his departure, Amador received a written letter from Google, signed by Manuel Chiatello, from Google’s Human Resources Management, and Adam Iwanicki, Google’s Site Reliability Manager, recommending to any prospective employer that Amador be hired. The letter identifies what Google believed to be several of Amador’s strengths as an employee, including his ability to “integrate into the different types of activities he was involved in,” “good planning capabilities and sound judgment,” “good organizational skills,” his ability to cope with “high volumes of work,” and that “Manuel was friendly, open and tactful with superiors and colleagues. His personal behavior was respectable. He was a reliable colleague. The quality of his work met our requirements.”

Thereafter, Amador was hired by another tech company in Switzerland.

However, when Amador later reapplied to Google, the company allegedly refused, while another employee at Google informed him he had been “blacklisted.”

It is Google’s custom and practice to rehire former employees who voluntarily left their jobs at Google, pursuant to simplified, streamlined rehiring procedures. For example, a former employee wishing to return to his recently vacated position needs only to contact that employee’s former supervisor, request to be rehired, and if the position is available, the employee will be rehired without any formal interview process.

Accordingly, Amador understood and reasonably believed that he could and would be rehired for the same or substantially similar role as his former position at Google. A former colleague, friend, and current Google employee (referred hereinafter as “Amador’s friend”), also referred and recommended to Google that Amador be rehired as a systems engineer, a position Amador is amply qualified for, including because he performed identical or substantially similar work for Google for approximately three years and he had met all expectations during that time.

In or around April 2017, Amador applied for the position of systems engineer at three of Google’s offices, including Mountain View, California.

On April 18, 2017, Google recruiter Taylor Rosser (“Rosser”) emailed Amador, informing him that, despite another Google employee referring him for the position, after “carefully reviewing [Amador’s] background and experience,” Google would not be proceeding with Amador’s application.

After Amador asked why his application had been rejected, Rosser allegedly evaded his questions.

Disturbed by Google's refusal to rehire him for the same or similar role as he had previously held, which was contrary to Google's usual practice of rehiring former employees, Amador asked Amador's friend if he knew why this might be the case. Amador's friend then approached the Google recruiter, Rosser, to discuss why Amador's application had been rejected. Rosser stated to Amador's friend that all other candidates for the systems engineer positions were more qualified than Amador. This reason given by Rosser was false and pretextual.

Unconvinced that this was the reason, Amador's friend inquired further and discovered that other applicants had been, at most, designated as an "L3." Amador, however, was an "L4" during his employment with Google, indicating that Amador was more qualified and/or experienced than the all other applicants, according to Google's own internal standards.

Amador's friend then informed Rosser that Amador was a "L4" when Amador left Google, and that it did not make sense that Google would hire an "L3," someone of lesser experience than Amador, in Amador's place. Rosser again acted evasively, avoided answering Amador's friend's questions and ultimately refused to provide any cognizable answer as to why Amador's application had been rejected.

Amador's friend later informed Amador that he believed Google had blacklisted Amador from employment at Google.

Accordingly, Amador is informed and believes, and thereupon alleges, that Google blacklisted him from employment at Google, as a result of his real or perceived political viewpoints, activities, and affiliations, and as a result of his being male, which is, unfortunately, consistent with Google's unlawful employment practices.

Despite his ample experience and qualifications, including his several years of working at Google in the same or similar role as the position Amador applied for, which he did to Google's express satisfaction, Google categorically refuses to rehire Amador.

Despite rejecting Amador's application, the positions for which Amador applied remained open at the time his applications were rejected, and Google continued to seek applicants from persons of Amador's qualifications.

In accordance with its unlawful and discriminatory patterns, practices, and policies, Google refused to rehire Amador on the basis of his actual or perceived political affiliation and activities, and his gender. Indeed, as discussed herein, the pattern and practice of refusing to hire candidates because of these protected traits or activities is pervasive throughout Google.

Amador's application for employment was also rejected by Google as a direct result of Google's hiring practices that disparately impact actual or perceived, members of Google-disfavored races and/or males. Google permits all hiring personnel a wide degree of discretion in assessing and refusing to hire persons that are not considered to be a

“cultural fit” within Google, while simultaneously demanding a more diversified workforce and that all employees are, or become, complicit in Google’s discriminatory hostility toward Caucasian/Asian, conservative men, and toward all those that disagree with Google’s approach to achieving diversity in the workforce.

Stephen McPherson

McPherson’s allegations in the lawsuit claim his application to Google was turned down because of both his race, gender, and political orientation.

McPherson is a member of the Republican Party, a former U.S. Navy pilot, and an ex-staffer for former U.S. Representative George R. Nethercutt Jr. (R-WA).

“McPherson is a white male. Both of these traits are visibly apparent from his person,” the complaint notes.

During his decade-long service with the U.S. Navy, McPherson witnessed or learned from at least two other Navy pilots that Google had offered each a job through Google’s veterans placement program.

In 2016, while stationed in San Diego, California, McPherson transitioned out of the Navy, and applied for a project manager position with the Google Fiber project. While the position may have required McPherson to relocate to Texas, Google considered, interviewed, and ultimately rejected McPherson’s application in its headquarters in Mountain View, California.

McPherson met all qualifications for the project manager position listed by Google. Based on McPherson’s ample qualifications and extensive leadership experience, he was a strong candidate for the position. Moreover, a former Navy pilot and current Google employee, Manolo Strange (“Strange”), referred McPherson to Google as a prospective employee.

In March 2016, McPherson submitted his application materials and was thereafter contacted for initial telephone interviews in March 2016.

In April 2016, evidently impressed by McPherson, Google paid to have McPherson flown up to Mountain View, California on or around April 26, 2016 for a series of in-person interviews that took place at Google’s headquarters. This day-long interview process involved approximately five in-person interviews, as well as a more casual interview over lunch, which was intended, in part, to allow McPherson an opportunity to converse informally with another Googler on the Fiber team, and to ask questions.

Following his day-long interview process, Renee Doyle (“Doyle”), a Google’s HR employee contacted McPherson and began discussing information related to his prospective salary, including his most recent salary, bonus, and stock options. Another Google HR employee, Carmen Simpson, emailed McPherson on May 24, 2016, stating, “Hi Stephen are you prepared to move to San Antonio if I can get you an offer?” To which, McPherson responded in the affirmative. On June 1, 2016, Doyle contacted

McPherson by email again, asking McPherson to let her know of any competing offer details.

McPherson understood these exchanges to indicate Google was highly likely to offer him the job.

Google also requested that McPherson interview with “John,” a member of the Google Fiber team in Austin, Texas. The interview occurred over the phone on or around May 26, 2016.

However, despite Google’s interest in McPherson, his application was soon denied.

Despite his ample qualifications, and experience, and the apparent interest by Google, on or around June 10, 2016, Google informed McPherson that he was no longer being considered for the project manager position. Specifically, Google’s staffing employee, Carmen Simpson, informed McPherson that Google requires unanimity in their hiring decisions, and that Google was unable to reach unanimity with McPherson’s application.

McPherson then contacted Strange, the former pilot who had referred him to Google, and asked his advice on how to proceed. Strange stated to McPherson that what he experienced, namely, being interviewed and proceeding almost to the point of an offer letter, “rarely happens,” but that “once the decision is made they don’t reverse it.” Strange then suggested that McPherson reapply in one year’s time.

Despite rejecting McPherson’s application, the position for which McPherson applied remained open at the time his application was rejected, and Google continued to seek applicants from persons of McPherson’s qualifications.

In accordance with its unlawful and discriminatory patterns, practices, and policies, Google refused to hire McPherson on the basis of his political affiliation and activities, gender, and Google-disfavored race. Indeed, as discussed herein, the pattern and practice of refusing to hire candidates because of these protected traits or activities is pervasive throughout Google.

McPherson’s application for employment was also rejected by Google as a direct result of Google’s hiring practices that disparately impact actual or perceived, members of Google disfavored races and/or males. Google permits all hiring personnel a wide degree of discretion in assessing and refusing to hire individuals who are not considered to be a “cultural fit” within Google, while simultaneously demanding a more diversified workforce and that all employees are, or become, complicit in Google’s discriminatory hostility toward white, conservative men, and toward all those who disagree with Google’s approach to achieving diversity in the workforce.

Michael Burns

Burns, who is described by the complaint as “an accomplished copywriter, marketer, consultant, and entrepreneur,” as well as a “conservative, white male,” was denied a job at Google after he shared an article about fired Google employee James Damore on Twitter. The complaint also suggests that Burns’ race and gender had something to do with his application being denied.

In his spare time, Burns publishes or shares material on social media platforms that are conservative or libertarian in nature, and/or that are likely to be perceived as conservative, including on Twitter and on his LinkedIn profile. At the time of his application, the posts and comments made on these platforms were accessible to the general public and/or to all persons with a Twitter or LinkedIn account.

For example, Burns follows conservative and libertarian groups and individuals, such as the Cato Institute, Reason Foundation, Heartland Institute, Independent Women’s Forum, and the Heritage Foundation – all of which advocate political positions that fall outside the narrow political ideologies tolerated by Google. Burns follows and/or shares posts made by these entities as a means of engaging in political discussion on topical issues with others on social media.

As might be expected from an entrepreneur and marketing specialist, Burns includes a hyperlink to his LinkedIn profile at the base of his signature block for every email he sends. This allows interested persons, or companies, to more easily view his experiences, qualifications, and recommendations from those that have used his services or have worked with Burns in the past.

Despite applying to several positions at Google, going through several interviews, and being given the indication that he was likely to be hired, Burns career prospects at Google suddenly halted after he shared an article on Twitter about fired Google employee James Damore.

The article defended Damore’s right to speak his mind, rebuffed Google CEO Sundar Pichai’s firing of Damore, and offered suggestions for how Pichai could have better handled the situation.

Burns shared the article because he felt it contributed a unique political perspective as to the heated political discussions about Damore and his controversial memo, which was counter to the prevailing dismissive and derisive attitude exhibited by some members of the public and the press toward Damore.

This post was shared by Burns on his publicly viewable Twitter account, which shares the same profile name as Burns’ LinkedIn account. Burns also shares other posts, and comments on other people’s posts, in a manner that might lead others to believe that Burns identifies politically as a conservative. As a link to Burns’ LinkedIn account is contained at the base of each of Burns’ emails to Google, those Google employees in a position to make the hiring decision as to Burns’ application for employment had immediate access to review and consider Burns’ social media posts, including those posts

that are conservative-leaning, such as the article that defended Damore and was critical of Google's unlawful practices. On information and belief, Google did precisely this.

Burns is also a Caucasian male, which is evident from his name and the picture or pictures of Burns visible on Burns' Twitter and LinkedIn profile pages.

Despite his ample experience and qualifications, and interviewing for the position, Burns was not offered the copywriter position or any subsequent role as a content strategist with Google. Indeed, Burns later responded to Google's request for contractors on LinkedIn, but was denied any contractor position with Google, establishing that Burns is being categorically denied a position at Google.

Despite rejecting Burns' application, the position for which Burns applied remained open at the time his application was rejected, and Google continued to seek applicants from persons of Burns' qualifications.

In accordance with its unlawful and discriminatory patterns, practices, and policies, Google refused to hire Burns on the basis of his political affiliation and activities, gender, and race. Indeed, as discussed above, the pattern and practice of refusing to hire candidates because of these protected traits or activities is pervasive throughout Google. Unfortunately, Burns, like Amador and McPherson, fell victim to Google's unlawful devices.

Burns' application for employment was also rejected by Google as a direct result of Google's hiring practices that disparately impact actual or perceived, members of a Google-disfavored races and/or males. Google permits all hiring personnel a wide degree of discretion in assessing and refusing to hire persons that are not considered to be a "cultural fit" within Google, while simultaneously demanding a more diversified workforce and that all employees are, or become, complicit in Google's discriminatory hostility toward white, conservative men, and toward all those that disagree with Google's approach to achieving diversity in the workforce.