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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN MATEO**

**SELENA SCOLA, ERIN ELDER, and
GABRIEL RAMOS**, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

FACEBOOK, INC.,

Defendant.

Civil Action No. 18CIV05135

**AMENDED COMPLAINT AND
DEMAND FOR JURY TRIAL**

CLASS ACTION

NEED FOR ACTION

1. Plaintiffs Selena Scola, Erin Elder, and Gabriel Ramos seek to protect themselves and all others similarly situated from the dangers of psychological trauma resulting from Facebook's

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22 **SELENA SCOLA, ERIN ELDER, and**
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CLASS ACTION

NEED FOR ACTION

1. Plaintiffs Selena Scola, Erin Elder, and Gabriel Ramos seek to protect themselves and all others similarly situated from the dangers of psychological trauma resulting from Facebook's

1 failure to provide a safe workplace for the thousands of contractors who are entrusted to provide the
2 safest environment possible for Facebook users.

3 2. Every day, Facebook users post millions of videos, images, and livestreamed
4 broadcasts of child sexual abuse, rape, torture, bestiality, beheadings, suicide, and murder. To
5 maintain a sanitized platform, maximize its already vast profits, and cultivate its public image,
6 Facebook relies on people like Plaintiffs—known as “content moderators”—to view those posts and
7 remove any that violate the corporation’s terms of use.

8 3. From their cubicles in Facebook’s Silicon Valley offices, Plaintiffs witnessed
9 thousands of acts of extreme and graphic violence. As another Facebook content moderator recently
10 told the Guardian, “You’d go into work at 9am every morning, turn on your computer and watch
11 someone have their head cut off. Every day, every minute, that’s what you see. Heads being cut off.”

12 4. As a result of constant and unmitigated exposure to highly toxic and extremely
13 disturbing images through Facebook’s content review systems, Plaintiffs developed and suffer from
14 significant psychological trauma and/or post-traumatic stress disorder (“PTSD”).

15 5. In an effort to cultivate its image, Facebook helped draft workplace safety standards
16 to protect content moderators like Plaintiffs and the proposed class from workplace trauma and
17 associated adverse consequences. Other tech companies have implemented these safety standards,
18 which include obtaining a candidate’s informed consent during the initial employment interview
19 process; providing moderators with robust and mandatory counseling and mental health support;
20 altering the resolution, audio, size, and color of trauma-inducing images; and training moderators to
21 recognize the physical and psychological symptoms of PTSD.

22 6. But Facebook ignores the very workplace safety standards it helped create. Instead,
23 the multibillion-dollar corporation affirmatively requires its content moderators to work under
24 conditions known to cause and exacerbate psychological trauma.

25 7. By requiring its content moderators to work in dangerous conditions that cause
26 debilitating physical and psychological harm, Facebook violates California law.

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1 8. Without this Court's intervention, Facebook will continue to breach the duties it owes
2 to the content moderators who review content on Facebook's platforms.

3 9. On behalf of themselves and all others similarly situated, Plaintiffs bring this action
4 (1) to ensure that Facebook ceases to engage in these unlawful and unsafe workplace practices and
5 instead provides content moderators with safe tools, systems, and mandatory ongoing mental health
6 support, and (2) to establish a medical monitoring fund for testing and providing mental health
7 treatment to the thousands of current and former content moderators affected by Facebook's
8 unlawful practices.

9 **JURISDICTION AND VENUE**

10 10. This Court has subject matter jurisdiction over all causes of action alleged in this
11 Complaint pursuant to the California Constitution, Article VI, § 10, and is a Court of competent
12 jurisdiction to grant the relief requested. Plaintiffs' claims arise under the laws of the State of
13 California, are not preempted by federal law, do not challenge conduct within any federal agency's
14 exclusive domain, and are not statutorily assigned to any other trial court.

15 11. This Court has personal jurisdiction over Facebook because the corporation is
16 headquartered in the County of San Mateo and regularly conducts substantial business there.

17 12. Venue is proper in this Court pursuant to California Code of Civil Procedure
18 sections 395 and 395.5. Facebook is headquartered in the County of San Mateo and conducts
19 substantial business there. Plaintiffs and the class they seek to represent have been injured as a result
20 of Defendant's illegal conduct in the County of San Mateo, and many of the injuries were sustained
21 in the County of San Mateo.

22 **PARTIES**

23 13. Plaintiff Selena Scola is a resident of San Francisco County, California. From
24 approximately June 19, 2017 until March 1, 2018, Ms. Scola worked as a Public Content Contractor
25 at Facebook's offices in Menlo Park and Mountain View, California. During this period, Ms. Scola
26 was employed solely by PRO Unlimited, Inc.

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1 20. Facebook asks content moderators to review more than 10 million potentially rule-
2 breaking posts per week via its review platforms. Facebook seeks to ensure all user-reported content
3 is reviewed within 24 hours of a report and with an overall error rate of less than one percent.

4 21. Facebook has developed and continually revises hundreds of rules that content
5 moderators use to determine whether flagged content—*i.e.*, posts, comments, messages, images,
6 videos, advertisements, etc.—violates Facebook’s policies.

7 22. Facebook has also developed expectations for the amount of time a content
8 moderator should need to review different types of flagged content.

9 23. According to Monika Bickert, head of global policy management at Facebook,
10 Facebook conducts weekly audits of every content moderator’s work to ensure that its content rules
11 are being followed consistently.

12 24. In August 2015, Facebook rolled out Facebook Live, a feature that allows users to
13 broadcast live video streams on their Facebook pages. Mark Zuckerberg, Facebook’s chief executive
14 officer, considers Facebook Live to be instrumental to the corporation’s growth. Mr. Zuckerberg has
15 been a prolific user of the feature, periodically “going live” on his own Facebook page to answer
16 questions from users.

17 25. But Facebook Live also provides a platform for users to livestream murder,
18 beheadings, torture, and even their own suicides, including the following:

19 In late April a father killed his 11-month-old daughter and livestreamed it before
20 hanging himself. Six days later, Naika Venant, a 14-year-old who lived in a foster
21 home, tied a scarf to a shower’s glass doorframe and hung herself. She streamed the
22 whole suicide in real time on Facebook Live. Then in early May, a Georgia teenager
23 took pills and placed a bag over her head in a suicide attempt. She livestreamed the
24 attempt on Facebook and survived only because viewers watching the event unfold
25 called police, allowing them to arrive before she died.

26 26. Facebook understands the dangers associated with a person watching this kind of
27 imagery.

28 27. In the context of protecting users from this kind of content, Mr. Zuckerberg
announced on May 3, 2017:

1 “Over the last few weeks, we’ve seen people hurting themselves and others on
2 Facebook—either live or in video posted later. Over the next year, we’ll be adding
3 3,000 people to our community operations team around the world—on top of the
4 4,500 we have today—to review the millions of reports we get every week, and
5 improve the process for doing it quickly.

6 These reviewers will also help us get better at removing things we don’t allow on
7 Facebook like hate speech and child exploitation. And we’ll keep working with local
8 community groups and law enforcement who are in the best position to help
9 someone if they need it—either because they’re about to harm themselves, or because
10 they’re in danger from someone else.”

11 28. According to Sheryl Sandberg, Facebook’s chief operating officer, “Keeping people
12 safe is our top priority. We won’t stop until we get it right.”

13 29. Today, approximately 15,000 content moderators around the world review content
14 via Facebook’s review platforms.

15 30. Most of these 15,000 content moderators, like Plaintiffs and the proposed class here,
16 are employed by third-party vendors of Facebook and are not Facebook employees.

17 31. For many reasons, including short-term contracts and the trauma associated with the
18 work, most content moderators—like Plaintiffs—remain in the position for less than one year.

19 **B. Repeated exposure to graphic imagery can cause devastating psychological trauma,
20 including PTSD.**

21 32. It is well known that exposure to images of graphic violence can cause debilitating
22 injuries, including PTSD.

23 33. In a study conducted by the National Crime Squad in the United Kingdom, 76
24 percent of law enforcement officers surveyed reported feeling emotional distress in response to
25 exposure to child abuse on the internet. The same study, which was co-sponsored by the United
26 Kingdom’s Association of Chief Police Officers, recommended that law enforcement agencies
27 implement employee support programs to help officers manage the traumatic effects of exposure to
28 child pornography.

34. In a study of 600 employees of the Department of Justice’s Internet Crimes Against
Children task force, the U.S. Marshals Service found that a quarter of the cybercrime investigators

1 surveyed displayed symptoms related to psychological trauma, including from secondary traumatic
2 stress.

3 35. Another study of cybercrime investigators from 2010 found that “greater exposure to
4 disturbing media was related to higher levels of . . . secondary traumatic stress” and that “substantial
5 percentages” of investigators exposed to disturbing media “reported poor psychological well-being.”

6 36. The Eyewitness Media Hub has also studied the effects of viewing videos of graphic
7 violence, including suicide bombing, and found that “40 percent of survey respondents said that
8 viewing distressing eyewitness media has had a negative impact on their personal lives.”

9 37. Whereas viewing or hearing about another person’s traumatic event used to be
10 considered “secondary traumatic stress,” the current Diagnostic and Statistical Manual of Mental
11 Disorders (American Psychiatric Association, 5th ed. 2013) (“DSM-5”) recognizes that secondary or
12 indirect exposure to trauma, such as repeated or extreme exposure to aversive details of trauma
13 through work-related media, meets the first diagnostic criterion for PTSD.

14 38. It is well established that stressful work conditions, such as especially demanding job
15 requirements or a lack of social support, reduce resilience in the face of trauma exposure and increase
16 the risk of developing debilitating psychological symptoms.

17 39. Depending on many factors, individuals who have experienced psychological trauma
18 may develop a range of subtle to significant physical and psychological symptoms, including extreme
19 fatigue, disassociation, difficulty sleeping, excessive weight gain, anxiety, nausea, and other digestive
20 issues.

21 40. Trauma exposure and PTSD are also associated with increased risk of chronic health
22 problems including cardiovascular problems, pain syndromes, diabetes, and dementia.

23 41. There is growing evidence that early identification and treatment of PTSD is
24 important from a physical health perspective, as a number of meta-analyses have shown increased
25 risk of cardiovascular, metabolic, and musculoskeletal disorders among patients with long-term
26 PTSD.

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1 42. Psychological trauma and/or PTSD are also often associated with the onset or
2 worsening of substance use disorders. Epidemiologic studies indicate that one-third to one-half of
3 individuals with PTSD also have a substance use disorder. Compared to individuals without PTSD,
4 those with PTSD have been shown to be more than twice as likely to meet the diagnostic criteria for
5 alcohol abuse or dependence; individuals with PTSD are also three to four times more likely to meet
6 the diagnostic criteria for drug abuse or dependence.

7 43. PTSD symptoms may manifest soon after the traumatic experiences, or they may
8 manifest later in life, sometimes months or years after trauma exposure.

9 44. An individual's risk of developing PTSD or associated symptoms may be reduced
10 through prevention measures, which include primary, secondary, or tertiary interventions. Primary
11 interventions are designed to increase resilience and lower the risk of future PTSD among the general
12 population. Secondary interventions are designed to lower the risk of PTSD among individuals who
13 have been exposed to trauma, even if they are not yet showing symptoms of traumatic stress. Finally,
14 tertiary interventions are designed to prevent the worsening of symptoms and improve functioning in
15 individuals who are already displaying symptoms of traumatic stress, or have been diagnosed with
16 PTSD.

17 45. Individuals who develop PTSD or other mental health conditions following traumatic
18 exposure require not only preventative measures but also treatment. Unlike prevention, treatment
19 measures are aimed at symptom resolution and recovery from the condition.

20 46. Preliminary screening is necessary to determine which types of prevention or
21 treatment measures are most appropriate for an individual.

22 **C. Facebook helped craft industry standards for minimizing harm to content moderators**
23 **but failed to implement the very standards it helped create.**

24 47. In 2006, Facebook helped create the Technology Coalition, a collaboration of internet
25 companies aiming “to develop technology solutions to disrupt the ability to use the Internet to
26 exploit children or distribute child pornography.”

27 48. Facebook was a member of the Technology Coalition at all times relevant to the
28 allegations herein.

1 49. In January 2015, the Technology Coalition published an “Employee Resilience
2 Guidebook for Handling Child Sex Abuse Images” (the “Guidebook”).

3 50. According to the Guidebook, the technology industry “must support those
4 employees who are the front line of this battle.”

5 51. The Guidebook recommends that internet companies implement a robust, formal
6 “resilience” program to support content moderators’ well-being and mitigate the effects of exposure
7 to trauma-inducing imagery.

8 52. With respect to hiring content moderators, the Guidebook recommends:

- 9 a. In an informational interview, “[u]se industry terms like ‘child sexual abuse
10 imagery’ and ‘online child sexual exploitation’ to describe subject matter.”
- 11 b. In an informational interview, “[e]ncourage candidate to go to websites [like the
National Center for Missing and Exploited Children] to learn about the problem.”
- 12 c. In follow-up interviews, “[d]iscuss candidate’s previous experience/knowledge
with this type of content.”
- 13 d. In follow-up interviews, “[d]iscuss candidate’s current level of comfort after
14 learning more about the subject.”
- 15 e. In follow-up interviews, “[a]llow candidate to talk with employees who handle
content about their experience, coping methods, etc.”
- 16 f. In follow-up interviews, “[b]e sure to discuss any voluntary and/or mandatory
17 counseling programs that will be provided if candidate is hired.”

18 53. With respect to safety on the job, the Guidebook recommends:

- 19 a. Limiting the amount of time an employee is exposed to child sexual abuse
20 imagery;
- 21 b. Teaching moderators how to assess their own reaction to the images;
- 22 c. Performing a controlled content exposure during the first week of employment
with a seasoned team member and providing follow up counseling sessions to the
23 new employee;
- 24 d. Providing mandatory group and individual counseling sessions administered by a
professional with specialized training in trauma intervention; and
- 25 e. Permitting moderators to “opt-out” from viewing child sexual abuse imagery.

26 54. The Technology Coalition also recommends the following practices for minimizing
27 exposure to graphic content:

28

- 1 a. Limiting time spent viewing disturbing media to “no more than four consecutive
2 hours;”
- 3 b. “Encouraging switching to other projects, which will allow professionals to get
4 relief from viewing images and come back recharged and refreshed;”
- 5 c. Using “industry-shared hashes to more easily detect and report [content] and in
6 turn, limit employee exposure to these images. Hash technology allows for
7 identification of exactly the same image previously seen and identified as
8 objectionable;”
- 9 d. Prohibiting moderators from viewing child pornography one hour before the
10 individuals leave work; and
- 11 e. Permitting moderators to take time off as a response to trauma.

12 55. According to the Technology Coalition, if a company contracts with a third-party
13 vendor to perform duties that may bring vendor employees in contact with graphic content, the
14 company should clearly outline procedures to limit unnecessary exposure and should perform an
15 initial audit of the independent contractor’s wellness procedures for its employees.

16 56. The National Center for Missing and Exploited Children (“NCMEC”) also
17 promulgates guidelines for protecting content moderators from psychological trauma. For instance,
18 NCMEC recommends changing the color or resolution of the image, superimposing a grid over the
19 image, changing the direction of the image, blurring portions of the image, reducing the size of the
20 image, and muting audio.

21 57. Based on these industry standards, some internet companies take steps to minimize
22 harm to content moderators. For instance, at one company, “[t]he photos are blurred, rendered in
23 black and white, and shown only in thumbnail sizes. Audio is removed from video.” Filtering
24 technology is used to distort images, and moderators are provided with mandatory psychological
25 counseling. Facebook does not take these steps.

26 58. At another company, each applicant for a content moderator position is assessed for
27 suitability by a psychologist, who asks about their support network, childhood experiences, and
28 triggers. Applicants are then interviewed about their work skills before proceeding to a final interview
where they are exposed to child sexual abuse imagery. Candidates sit with two current content
moderators and review a sequence of images getting progressively worse, working towards the worst
kinds of sexual violence against children. This stage is designed to see how candidates cope and let

1 them decide whether they wish to continue with the application process. Once they accept the job,
2 content moderators have an enhanced background check before they start their six months' training,
3 which involves understanding criminal law, learning about the dark web, and, crucially, building
4 relevant trauma resilience. Facebook does not use this process.

5 59. Content moderators review thousands of traumatic images each day through
6 Facebook's review platforms without the benefit of these known safeguards and with little training
7 on how to handle the resulting distress.

8 60. In addition, Facebook sets overarching standards relating to the timeframe
9 for and accuracy of review.

10 61. Facebook understands that its standards impose intense pressure and stress
11 on content moderators, and that such stress contributes to and exacerbates content
12 moderators' risk of developing psychological trauma.

13 62. As one moderator described the job:

14 "[The moderator] in the queue (production line) receives the tickets (reports)
15 randomly. Texts, pictures, videos keep on flowing. There is no possibility to know
16 beforehand what will pop up on the screen. The content is very diverse. No time is
17 left for a mental transition. It is entirely impossible to prepare oneself
18 psychologically. One never knows what s/he will run into. It takes sometimes a few
19 seconds to understand what a post is about. The agent is in a continual situation of
20 stress. The speed reduces the complex analytical process to a succession of
21 automatisms. The moderator reacts. An endless repetition. It becomes difficult to
22 disconnect at the end of the eight-hour shift."

23 63. Facebook also demands that its content moderation vendors require their
24 employees to sign sweeping Non-Disclosure Agreements ("NDAs"). Facebook further
25 requires its vendors to provide Facebook-developed training to all content moderators to
26 instruct the moderators not to speak about the content or workplace conditions to anyone
27 outside of their review team. By prohibiting content moderators from discussing their work
28 or seeking outside social support, Facebook impedes the development of resiliency and
increases the risk that moderators will develop psychological trauma.

1 **D. Plaintiff Scola’s individual allegations.**

2 64. From approximately June 19, 2017 until March 1, 2018, Plaintiff Selena Scola was
3 employed by PRO Unlimited as a “Public Content Contractor,” *i.e.*, content moderator, at
4 Facebook’s offices in Menlo Park and Mountain View, California.

5 65. During this period, Ms. Scola was employed solely by PRO Unlimited.

6 66. At all times relevant to this complaint, PRO Unlimited was an independent
7 contractor of Facebook.

8 67. During her employment, PRO Unlimited maintained an office on Facebook’s
9 campus.

10 68. PRO Unlimited directly oversaw all human resources matters concerning Ms. Scola.

11 69. Ms. Scola has never been employed by Facebook in any capacity.

12 70. Ms. Scola never received any wages from Facebook.

13 71. Ms. Scola never received Facebook’s employee benefits package (*e.g.*, wellness
14 benefits, paid time off, parental financial assistance).

15 72. During her employment as a content moderator, Ms. Scola was exposed to thousands
16 of images, videos, and livestreamed broadcasts of graphic violence.

17 73. Ms. Scola developed severe PTSD as a result of training for and providing content
18 moderation services through Facebook’s content review platform and in accordance with Facebook’s
19 policies.

20 74. Ms. Scola’s PTSD symptoms may be triggered when she touches a computer mouse,
21 enters a cold building, watches violence on television, hears loud noises, or is startled. Her symptoms
22 are also triggered when she recalls or describes graphic imagery she was exposed to as a content
23 moderator.

24 **E. Plaintiff Elder’s individual allegations.**

25 75. From approximately March 2017 until approximately December 27, 2017, Plaintiff
26 Erin Elder worked as a “Community Operations Safety Analyst,” *i.e.*, content moderator, at
27 Facebook’s offices in Menlo Park, California.

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1 76. Ms. Elder was employed solely by PRO Unlimited from March 2017 until
2 approximately November 20, 2017.

3 77. Ms. Elder was employed solely by Accenture LLP from approximately November 20,
4 2017 until approximately December 27, 2017.

5 78. PRO Unlimited and Accenture were independent contractors of Facebook.

6 79. At all relevant times, PRO Unlimited and Accenture each maintained an office on
7 Facebook's campus.

8 80. PRO Unlimited and Accenture directly oversaw all human resources matters
9 concerning Ms. Elder.

10 81. Ms. Elder has never been employed by Facebook.

11 82. Ms. Elder never received any wages from Facebook.

12 83. Ms. Elder never received Facebook's employee benefits package (*e.g.*, wellness
13 benefits, paid time off, tuition assistance, *etc.*).

14 84. During her employment as a content moderator, Ms. Elder was exposed to tens of
15 thousands of images, videos, and livestreamed broadcasts of graphic violence.

16 85. Ms. Elder developed trauma-related symptoms as a result of training for and
17 providing content moderation services through Facebook's content review platform and in
18 accordance with Facebook's policies.

19 86. Ms. Elder has experienced nightmares, hypervigilance around children, depression,
20 and a pervasive sense of helplessness about her work as a content moderator.

21 87. Ms. Elder's exposure to trauma as a content moderator and her resulting symptoms
22 are consistent with an elevated risk of PTSD or similar conditions.

23 **F. Plaintiff Ramos's individual allegations.**

24 88. From approximately June 17, 2017 until approximately April 1, 2018, Plaintiff Gabriel
25 Ramos worked as a "Community Operations Safety Analyst," *i.e.*, content moderator, at Facebook's
26 offices in Menlo Park, California.

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1 101. Excluded from this definition are the Defendant’s officers, directors, and
2 management, any judicial officer presiding over this action and the members of his/her immediate
3 family and judicial staff, and any juror assigned to this action. Plaintiffs reserve the right to revise the
4 class definition based upon information learned through discovery.

5 102. The class is so numerous that joinder of all members is impracticable. Plaintiffs do
6 not know the exact size of the class since that information is within the control of Facebook.
7 However, upon information and belief, Plaintiffs allege that the number of class members is in the
8 thousands. Membership in the class is readily ascertainable from Facebook’s records, *e.g.*, those
9 relating to its contracts with third-party vendors or to registered users of its content review platforms.

10 103. Plaintiffs’ claims are typical of the claims of the class, as all members of the class are
11 similarly affected by Defendant’s wrongful conduct.

12 104. There are numerous questions of law or fact common to the class, and those issues
13 predominate over any question affecting only individual class members. The common legal and
14 factual issues include the following:

- 15 a. Whether Facebook committed the violations of the law alleged herein;
- 16 b. Whether Facebook participated in and perpetrated the tortious conduct
17 complained of herein;
- 18 c. Whether Plaintiffs and the class are entitled to medical monitoring;
- 19 d. Whether Facebook should be ordered to implement and comply with industry
20 guidelines for safety in content moderation.

21 105. The claims asserted by Plaintiffs are typical of the claims of the class, in that the
22 representative plaintiffs, like all class members, were exposed to highly toxic, unsafe, and injurious
23 content while providing content moderation services for Facebook. Each member of the proposed
24 class has been similarly injured by Facebook’s misconduct.

25 106. Plaintiffs will fairly and adequately protect the interests of the class. Plaintiffs have
26 retained attorneys experienced in class actions and complex litigation. Plaintiffs intend to vigorously
27 prosecute this litigation. Neither Plaintiffs nor their counsel have interests that conflict with the
28 interests of the other class members.

- 1 a. Requiring content moderators to use Facebook-developed review platforms that
2 presented unmitigated traumatic content to content moderators according to
3 Facebook-developed algorithms;
- 4 b. Requiring that content moderators—through their employers—sign NDAs and
5 undergo Facebook-developed confidentiality trainings that prohibit them from
6 discussing their work outside their review teams; and
- 7 c. Setting expectations as to the overall timeframe for and accuracy of content
8 review, calculating the amount of time it should take a content moderator to
9 review different types of posts, and deciding the overall number of manhours
10 required to meet the overarching timeframe and accuracy expectations.

11 114. Based on its exercise of retained control, Facebook has had at all relevant times a duty
12 to exercise reasonable care with regard to the safety of Plaintiffs and the class.

13 115. Facebook negligently exercised its retained control in a manner that affirmatively
14 contributed to the injuries of Plaintiffs and the class, including by exacerbating Plaintiffs' and class
15 members' risks of developing PTSD or other health issues. For example:

- 16 a. Facebook failed to provide adequate technological safeguards to protect content
17 moderators from risks associated with exposure to traumatic content via
18 Facebook's review platforms and algorithms;
- 19 b. Facebook's NDAs and confidentiality trainings diminished content moderators'
20 social support networks and resilience by prohibiting content moderators from
21 speaking about the content they reviewed or other related workplace conditions to
22 anyone outside of their review teams; and
- 23 c. By setting demanding standards for review, both in terms of quantity and quality
24 expectations, Facebook imposed stressful work conditions that serve to further
25 reduce content moderators' resilience to trauma.

26 116. Facebook was aware of the psychological trauma that could be caused by viewing video,
27 images, and/or livestreamed broadcasts of child abuse, rape, torture, bestiality, beheadings, suicide,
28 murder, and other forms of extreme violence through its review platforms.

1 117. Facebook was also aware or should have been aware that its review platforms could be
2 made safer if proper precautions were followed; that requiring content moderators not to discuss their
3 work or workplace conditions reduced their ability to deal with traumatic content; and that Facebook's
4 overall quality and quantity standards had the effect of imposing intense workplace stress and,
5 accordingly, increasing content moderators' risk of injury from psychological trauma.

1 118. Facebook breached its duty to Plaintiffs and the class by failing to provide the necessary
2 and adequate technological safeguards, safety and instructional materials, warnings, social support, and
3 other means to reduce and/or minimize the physical and psychiatric risks associated with exposure to
4 graphic imagery through Facebook’s review platform.

5 119. Facebook continues to breach its duty to class members by failing to exercise its
6 retained control with reasonable care; that breach continues to elevate class members’ risks of injury
7 from psychological trauma.

8 120. As a result of Facebook’s tortious conduct, Plaintiffs and the class are at an increased
9 risk of developing serious mental health injuries, including, but not limited to, PTSD.

10 121. To remedy that injury, Plaintiffs and the class need medical monitoring that provides
11 specialized screening, assessment, and treatment not generally given to the public at large.

12 122. The medical monitoring regime includes, but is not limited to, baseline screening,
13 assessments, and diagnostic examinations that will assist in diagnosing the adverse health effects
14 associated with exposure to trauma. This screening and assessment will also inform which behavioral
15 and/or pharmaceutical interventions are best suited to prevent or mitigate various adverse
16 consequences of post-traumatic stress and other conditions associated with exposure to graphic
17 imagery.

18 123. In particular, the medical monitoring regime includes (a) “secondary” preventative
19 interventions, designed to reduce the risk of later onset of PTSD among class members who are not
20 yet displaying symptoms of PTSD; (b) “tertiary” interventions, designed to reduce the worsening of
21 symptoms among those who are experiencing symptoms associated with post-traumatic stress or have
22 a diagnosis of PTSD; and (c) evidence-based treatments to facilitate recovery from mental health
23 conditions.

24 124. Monitoring, assessing, and providing preventative interventions and/or treatment to
25 Plaintiffs and the class will significantly reduce the risk of long-term injury, disease, and economic loss
26 that Plaintiffs and the class suffer as a result of Facebook’s unlawful conduct.

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1 142. Facebook’s negligent provision of unsafe equipment to its independent contractors for
2 use by Plaintiffs and the class also violates California common law.

3 143. Plaintiffs each suffered an injury in fact because of Facebook’s negligent conduct and
4 each has lost money because of Facebook’s conduct.

5 144. Specifically, Ms. Scola paid out of pocket for medical treatment and therapy for her
6 PTSD, which was caused by Facebook’s conduct.

7 145. Ms. Elder similarly paid out of pocket for therapy to treat the anxiety and other
8 symptoms she experienced as a result of Facebook’s conduct.

9 146. Mr. Ramos paid out of pocket for medical visits and over-the-counter medicines to
10 treat posttraumatic stress-related symptoms he experienced as a result of Facebook’s conduct.

11 147. There were and are reasonably available alternatives to further Facebook’s legitimate
12 business interests, other than the conduct described herein.

13 148. Plaintiffs seek all appropriate injunctive relief pursuant to Business and Professions
14 Code Section 17203, including an order requiring Facebook to implement safety guidelines for all
15 prospective content moderation operations.

16 149. Plaintiffs also seek an injunction creating a court-supervised, Facebook-funded medical
17 monitoring program to facilitate the screening, diagnosis, and adequate treatment of Plaintiffs and the
18 class for psychological trauma, including to prevent or mitigate conditions such as PTSD. The medical
19 monitoring program should include a trust fund to pay for the medical monitoring and treatment of
20 Plaintiffs and the class as frequently and appropriately as necessary.

21 150. Plaintiffs also seek an award of attorney’s fees.

22 **FOURTH CAUSE OF ACTION**
23 **CALIFORNIA UNFAIR COMPETITION LAW**
24 **(as “Special Employer”)**

25 151. Plaintiffs reallege and incorporate by reference herein all allegations above.

26 152. Solely in the alternative and to the extent that the Court concludes that Facebook is a
27 “special employer” of Plaintiffs and the class, Plaintiffs bring this fourth cause of action under the UCL
28

1 based on Facebook’s failure to provide a safe workplace and its violation of California’s prohibition on
2 non-disclosure requirements concerning workplace conditions.

3 153. Section 6400 of California’s Labor Code requires employers to “furnish employment
4 and a place of employment that is safe and healthful for the employees therein.” Similarly, Section 6401
5 requires every employer to “furnish and use safety devices and safeguards, and [to] adopt and use
6 practices, means, methods, operations, and processes which are reasonably adequate to render such
7 employment and place of employment safe and healthful.”

8 154. To protect employees from unsafe work places, California law requires that “[e]very
9 employer shall do every other thing reasonably necessary to protect the life, safety, and health of
10 employees.” Cal. Labor Code § 6401. This includes “establish[ing], implement[ing], and maintain[ing]
11 an effective injury prevention program.” Cal. Labor Code § 6401.7. Employers must “provide and use
12 safety devices and safeguards reasonably adequate to render the employment and place of employment
13 safe”; “adopt and use methods and processes reasonably adequate to render the employment and place
14 of employment safe”; and “do every other thing reasonably necessary to protect the life, safety, and
15 health of employees.” Cal. Labor Code § 6403.

16 155. No employer can “require or permit any employee to go or be in any employment or
17 place of employment which is not safe and healthful.” Cal. Labor Code § 6402.

18 156. Facebook did not provide a safe working environment. Facebook routinely and
19 repeatedly exposed Plaintiffs and the class to content known to cause psychological trauma, including
20 PTSD. Even though Facebook knew of and could have reasonably implemented adequate safety
21 measures, the corporation refused to implement necessary and adequate safety and instructional
22 materials, warnings, and means to reduce and/or minimize the risks associated with exposure to
23 graphic content.

24 157. Facebook’s failure to provide a safe workplace for Plaintiffs and the class violates, *inter*
25 *alia*, California Labor Code §§ 6400, 6401, 6401.7, 6402 and 6403.

26 158. In requiring content moderators to sign sweeping NDAs and instructing moderators
27 not to disclose information about working conditions—including the traumatic nature of the content,
28

1 the intense stress from quantity and quality expectations, and the lack of training and safety measures
2 to protect moderators from trauma exposure—Facebook further violates California Labor Code §
3 232.5.

4 159. Facebook’s illegal conduct was and is willful and serious, and has directly caused harm
5 to Plaintiffs and the class.

6 160. Plaintiffs each suffered an injury in fact because of Facebook’s conduct and each has
7 lost money because of Facebook’s conduct.

8 161. Specifically, Ms. Scola paid out of pocket for medical treatment and therapy for her
9 PTSD, which was caused by Facebook’s conduct.

10 162. Ms. Elder similarly paid out of pocket for therapy to treat the anxiety and other
11 symptoms she experienced as a result of her work as a content moderator.

12 163. Mr. Ramos paid out of pocket for medical visits and over-the-counter medicines to
13 treat posttraumatic stress-related symptoms that he experienced as a result of Facebook’s conduct.

14 164. There were reasonably available alternatives to further Facebook’s legitimate business
15 interests, other than the conduct described herein.

16 165. Facebook’s failure to follow worker safety laws amounts to an unlawful, unfair, and
17 fraudulent business practice under California Business and Professions Code § 17200.

18 166. Plaintiffs seek all appropriate injunctive relief pursuant to Business and Professions
19 Code § 17203, including an order requiring Facebook to implement safety guidelines for all content
20 moderators.

21 167. Plaintiffs also seek an injunction creating a court-supervised, Facebook-funded medical
22 monitoring program to facilitate the screening, diagnosis, and adequate treatment of Plaintiffs and the
23 class for psychological trauma, including to prevent or mitigate conditions such as PTSD. The medical
24 monitoring program should include a trust fund to pay for the medical monitoring and treatment of
25 Plaintiffs and the class as frequently and appropriately as necessary.

26 168. Plaintiffs and the class will be irreparably harmed and/or denied an effective and
27 complete remedy if such an order is not granted.

28

1 169. Plaintiffs also seek an award of attorney's fees.

2 **PRAYER FOR RELIEF**

3 **WHEREFORE**, Plaintiffs, individually and on behalf of the class, requests that the Court:

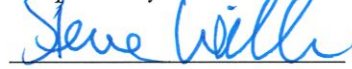
- 4 a. Certify this action as a class action, with a class as defined above;
- 5 b. Find that Plaintiffs are proper representatives of the class, and appoint the undersigned as
- 6 class counsel;
- 7 c. Order Defendant to pay for notifying class members of the pendency of this suit;
- 8 d. Order Defendant to create a medical monitoring fund for the benefit of Plaintiffs' and the
- 9 class;
- 10 e. Award injunctive relief as is necessary to protect the interests of Plaintiffs and class
- 11 members, including by enjoining Defendant from continuing to conduct business through
- 12 the unlawful and unfair practices alleged herein, ordering Defendant to implement safety
- 13 guidelines for all prospective content moderation operations, and ordering Defendant to
- 14 establish a fund to pay for a medical monitoring program to facilitate the ongoing screening,
- 15 diagnosis, and adequate treatment of Plaintiffs and the class for psychological trauma—
- 16 including to prevent or mitigate conditions such as PTSD—until it can be determined that
- 17 psychological trauma is no longer a threat to their health;
- 18 f. Award Plaintiffs and class members their reasonable litigation expenses and attorneys' fees;
- 19 and
- 20 g. Award any further relief that the Court deems just and equitable.

21 **DEMAND FOR JURY TRIAL**

22 Plaintiffs hereby request trial by jury.

23 Dated: March 1, 2019

24 Respectfully Submitted,

25 

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