



Portfolio Media, Inc. | 111 West 19th Street, 5th floor | New York, NY 10011 | www.law360.com
Phone: +1 646 783 7100 | Fax: +1 646 783 7161 | customerservice@law360.com

Google's \$22M Bias Deal Unfair To Black Workers, Attys Argue

By **Rachel Stone**

Law360 (July 26, 2022, 9:28 PM EDT) -- A civil rights law firm slammed Google's proposed \$22 million settlement agreement aimed at resolving gender and race discrimination allegations, arguing that the New York state court deal undermines the firm's own race discrimination case lodged on behalf of Black employees nationwide.

In a **letter filed Thursday** in Kings County Supreme Court, attorneys from Ben Crump Law PLLC and Stowell & Friedman Ltd. urged U.S. District Judge Richard Velasquez not to sign off on a June 30 settlement in the proposed discrimination class action Haggan et al. v. Google.

The parties in the Haggan case hadn't let the court know about the existence of *Curley v. Google*, an earlier case brought in California federal court by Ben Crump Law and Stowell & Friedman, which focused specifically on Black Google employees' bias claims, the firms alleged.

Instead, the Haggan case, which contended that the tech giant underpays and pigeonholes women and nonwhite workers into lower-tier jobs, would see the plaintiffs releasing claims related to gender bias and race bias for New York-based Google employees of color, the firms pointed out — noting that this should have raised the court's alarms.

"The decision in Haggan to plead federal Equal Pay Act and Title VII claims, but not the more valuable 42 U.S.C. Section 1981 claims, in a New York state court action, is a plain end-run around the *Curley* action," the letter stated. "The negotiated release would extinguish the race claims of *Curley* class members under Section 1981 in any event."

According to the letter, the firms representing the *Curley* plaintiffs had no qualms with the sex discrimination class claims or settlement agreement.

However, "the race discrimination claims of Black Googlers are worthy of their own independent and zealous advocacy and their own prosecution, analysis and recompense, rather than assuming there is no difference in treatment by race," the attorneys argued.

Granting preliminary approval of the \$22 million Haggan deal would mean that class members would be signing on to significantly less of a potential payout, according to the letter.

"The monetary value of the [Haggan] settlement is plainly inadequate for class members' serious and valuable race discrimination claims," the firms said, pointing out the gulf between Google employees' high salaries and relatively low settlement payments.

"Indeed, the \$2,656 average gross settlement recovery per class member is far less than the \$7,600 in the California sex discrimination class action against Google," according to the filing.

Further, according to the firms representing the Curley plaintiffs, the Haggan settlement created an "inherent and unresolvable conflict of interest" for the Black class members.

"It does not appear that class counsel ensured that the African American class was adequately represented by a class representative who was not also a member of the gender class," the letter added.

April Curley, a former university programs specialist for Google, sued the company in California federal court in March 2022, claiming that she and other Black employees were "pigeonholed into dead-end jobs" and offered "less visibility, lower pay and no advancement opportunities."

The Haggan complaint, filed in June a day before the proposed settlement was floated to the court, was brought by former Google diversity specialist Sheree Haggan and software engineer Emi Nietfeld. They alleged that the tech company ran afoul of federal and New York equal pay and anti-discrimination laws with its compensation, leveling, performance review and promotion practices.

The multimillion dollar deal came on the heels of a \$118 million pact Google inked earlier in June to resolve equal pay claims brought by California workers. The deal netted court approval yesterday, according to court filings.

"We believe the settlement, which is the result of extensive negotiations based on data relevant to this case, is strong and achieves meaningful results for the class," Cara Greene, part of the legal team representing the Haggan plaintiffs, told Law360 on Tuesday. "The court approval process for class settlements is adequate to address any concerns or questions class members may have."

Counsel for the Curley plaintiffs did not immediately respond to requests for comment Tuesday.

A representative for Google did not immediately respond to a request for comment Tuesday.

The plaintiffs in the Curley case are represented by Ben Crump and Nabeha Shaer of Ben Crump Law PLLC and Suzanne E. Bish, George Robot and Linda D. Friedman of Stowell & Friedman Ltd.

Counsel information for Google in the Curley case was not available Tuesday.

The plaintiffs in the Haggan case are represented by Cara E. Greene, Adam T. Klein, Nantiya Ruan, Michael C. Danna and Jahan C. Sagafi of Outten & Golden LLP, Chris Baker and Deborah Schwartz of Baker Curtis and Schwartz PC and Maya S. Jumper of Roche Freedman LLP.

Counsel information for Google in the Haggan case was not available Tuesday.

The cases are Curley v. Google LLC, case number 5:22-cv-01735, in the U.S. District Court for the Northern District of California, and Sheree Haggan et al. v. Google LLC, case number 518739/2022, in the Supreme Court of New York, Kings County.

--Additional reporting by Anne Cullen, Patrick Hoff, and Amanda Ottaway. Editing by Emma Brauer.