

1 Joseph R. Saveri (SBN 130064)  
 2 Steven N. Williams (SBN 175489)  
 3 Elissa A. Buchanan (SBN 249996)  
 4 Abraham Maggard (SBN 339949)  
**JOSEPH SAVERI LAW FIRM, LLP**  
 5 601 California Street, Suite 1000  
 6 San Francisco, CA 94108  
 7 Telephone: (415) 500-6800  
 Facsimile: (415) 395-9940  
 jsaveri@saverilawfirm.com  
 swilliams@saverilawfirm.com  
 eabuchanan@saverilawfirm.com  
 amaggard@saverilawfirm.com

8 *Attorneys for Plaintiff and the Proposed Class*

9 **UNITED STATES DISTRICT COURT**  
 10 **NORTHERN DISTRICT OF CALIFORNIA**  
 11 **OAKLAND DIVISION**

12 **JANE DOE**, individually and on behalf of all  
 13 others similarly situated,

14 *Plaintiff,*

15 v.

16 **YOUTUBE, INC.**

17 *Defendant.*

Case No. 4:20-CV-7493-YGR

**AMENDED COMPLAINT AND DEMAND  
 FOR JURY TRIAL**

Judge: Hon. Yvonne Gonzalez Rogers

18  
19  
20 **NEED FOR ACTION**

21 1. Plaintiff JANE DOE seeks to protect herself and all others similarly situated from the  
 22 dangers of psychological trauma resulting from exposure to graphic and objectionable content on  
 23 YouTube, Inc.’s platform and YouTube’s failure to provide a safe workplace for the thousands of  
 24 contractors that scrub YouTube’s platform of disturbing content.

25 2. Every day, YouTube users upload millions of videos to its platform. Millions of these  
 26 uploads include graphic and objectionable content such as child sexual abuse, rape, torture, bestiality,  
 27 beheadings, suicide, and murder. To maintain a sanitized platform, maximize its already vast profits, and  
 28

1 cultivate its public image, YouTube relies on people like Plaintiff—known as “Content Moderators”—  
2 to view those videos and remove any that violate the corporation’s terms of use.

3 3. Working at YouTube’s offices in California and offices of contract employers (“YouTube  
4 Vendors”) across the country, Content Moderators—including Plaintiff—witnessed thousands of acts  
5 of extreme and graphic violence and sexual assault. From genocide in Myanmar to mass shootings in Las  
6 Vegas and Christ Church to videos of children being raped and animals being mutilated, Content  
7 Moderators spend hours a day making sure that disturbing content like this never appears to YouTube’s  
8 users.

9 4. Content Moderators also face repeated exposure to conspiracy theories, fringe beliefs,  
10 and political disinformation—from false information about participating in the census, to lies about a  
11 political candidate’s citizenship status or eligibility for public office, to manipulated and/or doctored  
12 videos of elected officials, to denials that the Holocaust occurred, to suggestions that Covid-19 is a  
13 fraud. This type of content has destabilized society and often features objectionable content.

14 5. As a result of unmitigated exposure to highly toxic and extremely disturbing images  
15 viewed using YouTube’s proprietary “Single Review Tool” (“SRT”), Plaintiff developed and suffers  
16 from significant psychological trauma including anxiety, depression and symptoms associated with  
17 PTSD.

18 6. To cultivate its image, YouTube (through its parent company Google, LLC) helped draft  
19 workplace safety standards to attempt to mitigate the negative psychological effects that viewing graphic  
20 and objectionable content has on Content Moderators. These safety standards include obtaining a  
21 candidate’s informed consent during the initial employment interview process; providing Content  
22 Moderators with robust and mandatory counseling and mental health support; altering the resolution,  
23 audio, size, and color of trauma-inducing images and videos; and training Content Moderators to  
24 recognize the physical and psychological symptoms of PTSD, anxiety, and depression. Although these  
25 safety standards could not eliminate the risk that Content Moderators would develop negative  
26 psychological disorders after viewing graphic and disturbing content, these standards could have  
27 reduced the risk and mitigated the harm.  
28

7. But YouTube failed to implement the workplace safety standards it helped create. Instead, the multibillion-dollar corporation affirmatively requires its Content Moderators to work under conditions it knows cause and exacerbate psychological trauma.

8. By requiring its Content Moderators to review graphic and objectionable content, YouTube requires Content Moderators to engage in an abnormally dangerous activity. And by failing to implement the workplace safety standards it helped develop, YouTube violates California law. By imposing non-disclosure agreements, YouTube exacerbates the harm that it causes to Content Moderators.

9. Without this Court's intervention, YouTube will continue to injure Content Moderators and breach the duties it owes to the Content Moderators who review content on its platform.

10. On behalf of herself and all others similarly situated, Plaintiff brings this action (1) to compensate Content Moderators that were exposed to graphic and objectionable content on YouTube's platform, (2) to ensure that YouTube provides Content Moderators with tools, systems, and mandatory ongoing mental health support to mitigate the harm reviewing graphic and objectionable content can cause; and (3) to provide mental health screening and treatment to the thousands of current and former Content Moderators affected by YouTube's unlawful practices.

### JURISDICTION AND VENUE

11. This Court has subject matter jurisdiction under the Class Action Fairness Act, 28 U.S.C. § 1332(d), because at least one member of the class is diverse in citizenship from Defendant (e.g., Plaintiff is a citizen of Texas) and because the amount in controversy exceeds \$5,000,000. This Court has personal jurisdiction over YouTube because it is headquartered in this judicial district and regularly conducts substantial business here, including the conduct from which this Complaint emanates, at its office in San Bruno, California. Venue is proper in this district because Defendant resides in this district. 28 U.S.C. § 1391(b). Defendant resides in this district for purposes of venue because Defendant's headquarters is in San Bruno, and conducts substantial business activities here. Plaintiff and the proposed class have been, and continue to be, injured as a result of Defendant's illegal conduct in the Northern District of California.

**PARTIES**

12. Plaintiff JANE DOE is a resident of Travis County, Texas. From approximately January 16, 2018 until approximately August 24, 2019, Plaintiff worked as a Content Moderator, reviewing content for YouTube at an office located at 7700 West Parmer Lane, Austin Texas, 78717. During this period, Plaintiff was employed by Collabera, Inc. (“Collabera”). Plaintiff has been diagnosed with depression and suffers from symptoms associated with anxiety and PTSD. Because of the trauma JANE DOE suffered, and the very real threat that publicity from this case could exacerbate JANE DOE’s mental health problems, JANE DOE is using a pseudonym as provided for by California law.

13. Defendant YouTube, Inc., is incorporated under the laws of Delaware with its headquarters located at 901 Cherry Avenue, San Bruno, California. YouTube is a fully owned subsidiary of Google, LLC.

**FACTUAL ALLEGATIONS**

**A. Content moderators watch and remove some of the most depraved images on the internet to protect YouTube’s profits**

14. In fiscal year 2019, YouTube and Google combined made approximately \$150 billion in advertising revenue. In 2018, that number was nearly \$127 billion, and in 2017 that number was almost \$103 billion.

15. YouTube is attractive to companies and individuals that want to buy ads because of its immense user base. YouTube has over a billion monthly active users. These users value YouTube for its plethora of content and ability to share information—from learning how to ride a bike, to viewing the daily news, to watching funny home videos.

16. To generate this content, YouTube relies on users to upload videos to its platform. YouTube users upload 500 hours of video per minute, which works out to 30,000 hours per hour and 720,000 hours per day. As Johanna Wright—Vice President of Product Management at YouTube—describes it, YouTube is the “video library for the world.”

17. Instead of scrutinizing content before it is shared with its users, YouTube relies on users to report inappropriate content. YouTube receives millions of user reports of potentially objectionable content on its platforms.

1 18. Depending on how the content is flagged, YouTube directs the content to various  
2 queues, including “Violent Extremism” (“VE”), “Adult,” “Hate and Harassment,” “Child Sexual  
3 Abuse Imagery” (“CSAI”), “Redshift,” “Flagged,” and “Sexual Activity and Nudity.” Content  
4 Moderators then review the content to determine whether the content violates YouTube’s Community  
5 Guidelines. According to YouTube, these Content Moderators are “essential . . . because human  
6 judgment is critical to making contextualized decisions on content.”

7 19. YouTube requires Content Moderators to review hundreds of thousands if not millions  
8 of potentially rule-breaking posts per week via YouTube’s SRT. For example, between June and  
9 December of 2017, YouTube’s Content Moderators reviewed nearly 2 million videos for violent  
10 extremist content alone.

11 20. To tackle this immense amount of content, Susan Wojcicki—CEO of YouTube—  
12 pledged that YouTube would hire 10,000 Content Moderators in 2018. Plaintiff is informed and  
13 believes that there are thousands of Content Moderators that review YouTube’s content in the United  
14 States.

15 **B. Repeated exposure to graphic imagery can cause devastating psychological trauma,**  
16 **including PTSD, Anxiety, and Depression**

17 21. It is well known that exposure to images of graphic violence can cause debilitating  
18 injuries, including PTSD, anxiety, and depression.

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

25 23. In a study of 600 employees of the Department of Justice’s Internet Crimes Against  
26 Children task force, the U.S. Marshals Service found that a quarter of the cybercrime investigators  
27 surveyed displayed symptoms of psychological trauma, including secondary traumatic stress.  
28

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

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

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

12           27. While there is no way to eliminate the risk created by exposure to graphic and  
13 objectionable content, especially demanding job requirements or a lack of social support reduce  
14 resilience in the face of trauma exposure and increase the risk of developing debilitating psychological  
15 symptoms.

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

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

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

25           31. Psychological trauma and/or PTSD are also often associated with the onset or worsening  
26 of substance use disorders. Epidemiologic studies indicate that one-third to one-half of individuals with  
27 PTSD also have a substance use disorder. Compared to individuals without PTSD, those with PTSD  
28 have been shown to be more than twice as likely to meet the diagnostic criteria for alcohol abuse or

1 dependence; individuals with PTSD are also three to four times more likely to meet the diagnostic  
2 criteria for drug abuse or dependence.

3 32. PTSD symptoms may manifest soon after the traumatic experiences, or they may  
4 manifest later, sometimes months or years after trauma exposure.

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

13 34. Individuals who develop PTSD or other mental health conditions following traumatic  
14 exposure require not only preventative measures but also treatment. Unlike prevention, treatment  
15 measures are aimed at symptom resolution and recovery from the disorder.

16 35. Preliminary screening is necessary to determine the types of prevention or treatment  
17 measures most appropriate for an individual.

18 **C. YouTube helped craft industry standards for mitigating the harm to Content Moderators**

19 36. Founded in 2006, the Technology Coalition was created “to develop technology  
20 solutions to disrupt the ability to use the Internet to exploit children or distribute child pornography.”

21 37. Google (YouTube's parent company) was a member of the Technology Coalition at all  
22 times relevant to the allegations herein.

23 38. In January 2015, the Technology Coalition published an “Employee Resilience  
24 Guidebook for Handling Child Sex Abuse Images” (the “Guidebook”).

25 39. According to the Guidebook, the technology industry “must support those employees  
26 who are the front line of this battle.”

1           40.     The Guidebook recommends that internet companies implement a robust, formal  
2 “resilience” program to support Content Moderators’ well-being and mitigate the effects of exposure  
3 to trauma-inducing imagery.

4           41.     With respect to hiring Content Moderators, the Guidebook recommends:

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

17           42.     With respect to safety on the job, the Guidebook recommends:

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

26           43.     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 relief
- 4 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 Content Moderators from viewing child pornography one hour before
- 10 the individuals leave work; and
- 11 e. Permitting Content Moderators to take time off as a response to trauma.

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

16 45. Although YouTube may have contracted with third-party vendors such as Collabera to  
17 directly employ Plaintiff and other members of the class, YouTube maintained control over Content  
18 Moderators’ working conditions, including the manner and means in which they performed content  
19 moderation on YouTube’s behalf. This was done by requiring Content Moderators to use a YouTube-  
20 developed review platform that presented unmitigated traumatic content to Content Moderators  
21 according to YouTube-developed algorithms, signing of NDA, and even undergoing YouTube-  
22 developed confidentiality trainings that prohibited Content Moderators from discussing their work  
23 outside their review teams.

24 46. On information and belief, the direct employers of Content Moderators like Plaintiff and  
25 other putative class members do nothing more than process payroll and facilitate the communication of  
26 information between YouTube and Content Moderators. In most cases, Content Moderators work at  
27 home and their direct employers do not even provide an office space for them.

1           47.     The National Center for Missing and Exploited Children (“NCMEC”) also  
2 promulgates guidelines for protecting Content Moderators from psychological trauma. For instance,  
3 NCMEC recommends changing the color or resolution of the image, superimposing a grid over the  
4 image, changing the direction of the image, blurring portions of the image, reducing the size of the  
5 image, and muting audio.

6           48.     Based on these industry standards, some internet companies take steps to minimize  
7 harm to Content Moderators. For instance, at Microsoft, “[t]he photos are blurred, rendered in black  
8 and white, and shown only in thumbnail sizes. Audio is removed from video.” Filtering technology is  
9 used to distort images, and Content Moderators are provided with mandatory psychological counseling.

10          49.     At the UK’s Internet Watch Foundation, each applicant for a content moderator  
11 position is assessed for suitability by a psychologist, who asks about their support network, childhood  
12 experiences, and triggers. Applicants are then interviewed about their work skills before proceeding to a  
13 final interview where they are exposed to child sexual abuse imagery. Candidates sit with two current  
14 Content Moderators and review a sequence of images getting progressively worse, working towards the  
15 worst kinds of sexual violence against children. This stage is designed to see how candidates cope and  
16 let them decide whether they wish to continue with the application process. Once they accept the job,  
17 Content Moderators have an enhanced background check before they start their six months’ training,  
18 which involves understanding criminal law, learning about the dark web, and, crucially, building  
19 relevant trauma resilience.

#### 20           **D. YouTube failed to implement the very standards it helped create**

21          50.     YouTube failed to implement workplace safety measures that it (through its parent  
22 company Google) designed in the Guidelines and that other companies and non-profits have  
23 implemented.

24          51.     During the hiring process, YouTube failed to properly inform prospective Content  
25 Moderators about the nature of the work or the effect reviewing graphic content can have on their  
26 mental health. Prospective Content Moderators are told they might be required to review graphic  
27 content, but they are not provided examples and they are not told that they would be required to review  
28 graphic content daily. They are also not asked about their experience with graphic content, they are not

1 told that this content can have negative mental health impacts, they are not exposed to graphic content,  
2 they are not told to seek out other outside information, and they are not offered multiple days of  
3 interviews.

4 52. Before Content Moderators are exposed to any graphic content or receive any training,  
5 they are required to sign an employment contract and Non-Disclosure Agreement (“NDA”). Only  
6 after these documents are signed does the training begin.

7 53. During the training process, YouTube failed to train Content Moderators on how to  
8 assess their own reaction to the images, and YouTube failed to ease Content Moderators into review of  
9 graphic content through controlled exposure with a seasoned team member followed by counseling  
10 sessions.

11 54. Instead, Content Moderators are provided a two-week training where an instructor  
12 presents PowerPoints created by YouTube. The PowerPoints covered various categories of content,  
13 including graphic violence, child abuse, dangerous organizations, solicitation, porn, animal abuse,  
14 regulated products, fraud, and spam. Each category was covered by 60–80 slides. For each category, the  
15 PowerPoint began with a brief description of the applicable Community Guidelines, and then dozens of  
16 examples of content, applying the Community Guidelines.

17 55. This content was extremely graphic. For example, during training, Plaintiff witnessed a  
18 video of a smashed open skull with people eating from it; a woman who was kidnapped and beheaded by  
19 a cartel; a person’s head being run over by a tank; bestiality; suicides; self-harm; children being rapped;  
20 births and abortions. As the example was being presented, Content Moderators were told that they  
21 could step out of the room. But Content Moderators were concerned that leaving the room would mean  
22 they might lose their job because at the end of the training new Content Moderators were required to  
23 pass a test applying the Community Guidelines to the content.

24 56. During the three-week training, little to no time was spent on wellness and resiliency.  
25 Half-way through the training Plaintiff received—after Plaintiff was exposed to graphic content—two  
26 on-site Wellness Counselors spoke for an hour to the new Content Moderators. The Wellness  
27 Counselors told the Content Moderators where their offices were located, recommended that the  
28 Content Moderators get enough sleep and exercise, and reminded them that this job isn’t for everyone.

1 The Wellness Counselors also told the Content Moderators that they could take breaks if they saw  
2 graphic content. However, as described below, the quantity and quality quotas Content Moderators  
3 were required to meet meant that these promised breaks were illusory.

4 57. YouTube also failed to provide safeguards known to mitigate the negative effects of  
5 reviewing graphic content on the Single Review Tool that is the only mechanism through which Content  
6 Moderators perform their work, but also imposes strict quantity and accuracy quotas that in concert  
7 with the Single Review Tool affirmatively injure Content Moderators.

8 58. Content Moderators are required to review hundreds of graphic and disturbing videos  
9 each week. To determine whether a video should be removed, YouTube created and continually revises  
10 hundreds of rules that Content Moderators must use to determine whether flagged content violates  
11 YouTube's policies.

12 59. Despite these complex Community Guidelines, YouTube imposed strict quantity and  
13 accuracy quotas on Content Moderators. Content Moderators were required to review between 100 and  
14 300 pieces of content per day with an error rate of two to five percent. Supervisors often reminded  
15 Content Moderators of their quantity and accuracy quotas, telling the Content Moderators that "the  
16 Client [YouTube] isn't happy with the amount of content that has been reviewed" and would tell  
17 Content Moderators how many posts they needed to review each day.

18 60. To determine whether Content Moderators meet these metrics, YouTube audits  
19 Content Moderator's work. To complete this audit, YouTube used two levels of reviewers above the  
20 first-level Content Moderators. Second-level Content Moderators audit first-level Content Moderators  
21 and specialize in certain areas of content, such as hate speech, foreign languages, and terrorism.  
22 Second-level Content Moderators are employed by YouTube Vendors. Third-level Content  
23 Moderators are employed by YouTube and audit second-level Content Moderators. If Content  
24 Moderators failed to meet the quantity and accuracy quotas, supervisors threat them with performance  
25 improvement plans ("PIPs"), which could lead to termination.

26 61. YouTube was aware or should have been aware that its strict standards created  
27 stress and that such stress contributed to and exacerbated Content Moderator's risk of  
28 developing psychological trauma.

1           62. For many reasons—including low wages, short-term contracts, and the trauma  
2 associated with the work—many Content Moderators remain in the position for less than one year.

3           63. Because of this high turnover and due to the immense amount of content that requires  
4 manual review, YouTube is chronically understaffed. To make up for this shortfall, Content  
5 Moderators are required to work long hours reviewing graphic content, despite YouTube’s own best  
6 practices described in the Guidebook and its claim in 2018 that Content Moderators would be limited to  
7 reviewing four hours of graphic content per day. In fact, Content Moderators routinely spend more  
8 than four hours a day reviewing graphic content, and some Content Moderators are given overtime pay  
9 to reduce backlogged queues.

10           64. To review this content, YouTube designed and created the Single Review Tool, which it  
11 requires all Content Moderators to use, regardless of whether the Content Moderators are employed  
12 directly by YouTube or by a YouTube Vendor and regardless of whether the Content Moderators are  
13 working at a YouTube facility or at a facility operated by a YouTube Vendor.

14           65. YouTube monitors and is aware of the content of the videos the Content Moderators  
15 view, the number of videos the Content Moderators view per hour and per day, and the length of  
16 continuous content moderation sessions and breaks. YouTube controls how the videos are displayed  
17 and how the accompanying audio is broadcast. YouTube controls the criteria that Content Moderators  
18 must apply and the manner in which Content Moderators apply that criteria to videos that they watch.

19           66. YouTube failed to implement tooling safeguards in the single Review Tool that would  
20 mitigate some of the harm caused by reviewing graphic and disturbing content, including changing the  
21 color or resolution of the video, superimposing a grid over the video, changing the direction of the  
22 video, blurring portions of the video, reducing the size of the video, and muting audio, although it knew  
23 that doing so was necessary to mitigate the harm to Content Moderators that was certain to result.

24           67. This failure is especially glaring considering the reasonably uncomplicated nature of  
25 many of the tooling changes. In 2017, a request was posted on Buganizer—YouTube’s internal  
26 reporting system for technical assistance—to implement tooling changes such as blurring images and  
27 videos. A Content Moderator in California commented on the request asking that a warning label be  
28 added to images and videos flagged as ultra-graphic violence. A YouTube engineer responded that this

1 tooling change would take approximately half a day to implement. Suzanne French—Head of Global  
2 Vendor Operations at YouTube—commented that this tooling change was not a high priority and  
3 refused to implement the change.

4 68. YouTube also failed to provide psychological support to Content Moderators. YouTube  
5 purportedly offered Content Moderators “wellness” benefits, including a “Wellness Coach,” a  
6 hotline, and a human resources department.

7 69. However, these support services were insufficient. Wellness Coaches were unavailable  
8 to Content Moderators that worked the evening shifts: 3:00 p.m. to 12:00 a.m. and 10:00 p.m. to 7:00  
9 a.m. And even those Content Moderators that had access to a Wellness Coach did not receive any on-  
10 site medical care because Wellness Coaches are not medical doctors and cannot diagnose or treat  
11 mental health disorders. Instead, Wellness Coaches would occasionally recommend that a Content  
12 Moderator see a licensed clinician but would not provide any information on how to find treatment.

13 70. Wellness Coaches were also underqualified and undertrained, and consequently Content  
14 Moderators did not feel comfortable asking them for help. For example, in spring of 2018, Plaintiff met  
15 with a Wellness Coach to discuss upsetting videos she had witnessed that were particularly traumatic.  
16 The Wellness Coach recommended that Plaintiff take illegal drugs. The Wellness Coach did not  
17 provide any resiliency training or coping mechanisms (beyond self-medicating with an illegal  
18 substance).

19 71. A few months after that, Plaintiff spoke with a fellow Content Moderator that had met  
20 with a different Wellness Coach. That Wellness Coach told Plaintiff’s co-worker to “trust in God,”  
21 advice that was unhelpful.

22 72. Content Moderators also believed that communications with Wellness Coaches were not  
23 kept confidential and feared that anything that was said to a Wellness Coach would be reported to  
24 management. And when Content Moderators tried to discuss the effect viewing graphic content had on  
25 their mental health, employees within the human resource department told Content Moderators they  
26 could not help them.

27 73. YouTube also demands that YouTube Vendors require their employees to sign sweeping  
28 Non-Disclosure Agreements (“NDAs”). YouTube further requires YouTube Vendors to provide

1 YouTube-developed training to all Content Moderators that instructs the Content Moderators not to  
2 speak about the content or workplace conditions to anyone outside of their review team, including  
3 therapists, psychiatrists, or psychologists retained by Content Moderators. By prohibiting Content  
4 Moderators from discussing their work or seeking outside social support, YouTube impedes the  
5 development of resiliency and increases the risk that Content Moderators will develop psychological  
6 trauma. Furthermore, by imposing NDAs in violation of California law, YouTube is estopped from  
7 asserting any statute of limitations defense to these claims.

8 **E. YouTube knows that exposure to graphic content can cause psychological trauma but**  
9 **seeks to silence whistleblowers and shield itself from liability.**

10 74. In 2019, YouTube acknowledged that viewing graphic content could lead to  
11 psychological trauma. Well before that, YouTube engaged in an aggressive campaign to hide evidence  
12 and silence whistle blowers. In 2017, Content Moderators were told to stop talking or posting about the  
13 negative effects of reviewing graphic content. YouTube also purged its messaging systems of any of  
14 these reports, deleting old posts by Content Moderators that shed light on the trauma they were  
15 experiencing.

16 75. YouTube also sought to shield itself from liability. On December 20, 2019—four days  
17 after *The Verge* published an investigation into PTSD among workers at YouTube’s Content Moderator  
18 facility in Austin, Texas—YouTube responded by requiring its Content Moderators to sign a document  
19 acknowledging that performing the job can cause PTSD.

20 76. YouTube also required Content Moderators to acknowledge that “no job is worth  
21 sacrificing my mental or emotional health” and that “this job is not for everyone”—language likely  
22 drafted by lawyers, and which is intended to suggest Content Moderators suffering from negative  
23 psychological health effects caused by exposure to graphic content might be terminated if they reported  
24 any negative impacts to their psychological health. However, none of the job descriptions for this  
25 content moderation work were transparent as to the scope of activities a Content Moderator was  
26 expected to perform.

27 77. If a Content Moderator is fired or quits, they lose medical insurance and other  
28 healthcare benefits, as well as their income. Therefore, Content Moderators were left with a Hobson’s

1 choice—quit and lose access to an income and medical insurance or continue to suffer in silence to keep  
2 their job.

3 78. From approximately January 16, 2018 until August 24, 2019, JANE DOE worked as a  
4 “Content Review Analyst” (i.e., Content Moderator), reviewing content for YouTube at an office  
5 located at 7700 West Parmer Lane, Austin Texas, 78717.

6 79. During this period, Plaintiff was employed solely by Collabera.

7 80. At all times relevant to this complaint, Collabera was a YouTube Vendor.

8 81. Collabera directly oversaw all human resources matters concerning Plaintiff.

9 82. Plaintiff has never been employed by YouTube in any capacity.

10 83. Plaintiff never received any wages from YouTube.

11 84. Plaintiff never received YouTube’s employee benefits package (e.g., wellness benefits,  
12 paid time off, and parental financial assistance).

13 85. Plaintiff worked as a first-level Content Moderator.

14 86. During her employment as a Content Moderator, Plaintiff was exposed to thousands of  
15 graphic and objectionable videos, including graphic violence, sexual assault, and child pornography. For  
16 example, Plaintiff witnessed a video of: a smashed open skull with people eating from it; a woman who  
17 was kidnapped and beheaded by a cartel; a person’s head being run over by a tank; a man eating the  
18 head off a rat; a fox being skinned alive; a man falling to his death off a roof that included audio of the  
19 impact of his body hitting the ground; school shootings included dead bodies of children; a politician  
20 shooting himself; backyard abortions; child abuse; and child sexual assault.

21 87. As a result of training for and providing content moderation services through YouTube’s  
22 single Review Tool and in accordance with YouTube’s policies and using YouTube’s tools, Plaintiff  
23 developed severe psychological trauma including depression and symptoms associated with anxiety and  
24 PTSD.

25 88. PTSD and related syndromes caused by exposure to harmful content can be triggered by  
26 witnessing abuse; watching the news or seeing violence on television; hearing loud noises like gunshots,  
27 fireworks, cars backfiring, or objects falling; seeing ISIS members or paraphernalia; and seeing racially-  
28 discordant posts sowing political dissension in America. She has trouble sleeping and when she does



1 sleep, she has horrific nightmares. She often lays awake at night trying to go to sleep, replaying videos  
2 that she has seen in her mind. She cannot be in crowded places, including concerts and events, because  
3 she fears mass shootings. She has severe and debilitating panic attacks. She has lost many friends  
4 because of her anxiety around people. She has trouble interacting and being around kids and is now  
5 scared to have children.

### 6 CLASS ACTION ALLEGATIONS

7 89. Plaintiff brings this class action individually and on behalf of all Content Moderators who  
8 performed work in the United States as an employee or subcontractor of a YouTube Vendor from  
9 January 1, 2016 to the present. For purposes of this definition, a “Content Moderator” means any  
10 individual who works in a group whose principal responsibility is to review user-generated material  
11 uploaded to YouTube to determine whether such material violates YouTube’s Community Guidelines.  
12 For purposes of this definition, a “YouTube Vendor” means a vendor (a) with whom YouTube has  
13 contracted to provide Content Moderator services to YouTube in the United States; and (b) who either  
14 (i) directly employed an individual as Content Moderator; or (ii) subcontracted with an individual to  
15 provide services as a Content Moderator. A “YouTube Vendor” also means any subcontractor of a  
16 YouTube Vendor who has contracted to provide Content Moderator services to YouTube in the  
17 United States and who (y) directly employed an individual as a Content Moderator; or (z)  
18 subcontracted with an individual to provide services as a Content Moderator. Excluded from this  
19 definition are employees, officers, and directors of YouTube, any judge presiding over this action, and  
20 that judge’s immediate family members.

21 90. The class is so numerous that joinder of all members is impracticable. Based on  
22 investigation, Plaintiff alleges that the number of class members is over a thousand. Membership in the  
23 class is readily ascertainable from YouTube’s records such as those relating to its contracts with  
24 YouTube’s Vendors or from those maintained by YouTube Vendors.

25 91. There are numerous questions of law or fact common to the class, and those issues  
26 predominate over any question affecting only individual class members. The common legal and factual  
27 issues include the following:  
28

- 1 a. Whether YouTube committed the violations of the law alleged herein;
- 2 b. Whether viewing graphic and objectionable conduct in the manner which Content
- 3 Moderators do for YouTube is an abnormally dangerous activity;
- 4 c. Whether YouTube participated in and perpetrated the tortious conduct complained
- 5 of herein;
- 6 d. Whether Plaintiff and the class are entitled to medical screening, treatment, and
- 7 damages;
- 8 e. Whether YouTube should be ordered to implement and comply with industry
- 9 guidelines for safety in content moderation.

10 92. The claims asserted by Plaintiff are typical of the claims in that the representative  
11 plaintiff, like all class members, was exposed to highly toxic, unsafe, and injurious content while  
12 providing content moderation services for YouTube. Each member of the proposed class has been  
13 similarly injured by YouTube's misconduct.

14 93. Plaintiff will fairly and adequately protect the interests of the class. Plaintiff has retained  
15 attorneys experienced in class actions, complex litigation, California law, and issues involving content  
16 moderation. Plaintiff intends to vigorously prosecute this litigation. Neither Plaintiff nor their counsel  
17 have interests that conflict with the interests of the other class members.

18 94. Plaintiff and the class members have all suffered and will continue to suffer harm  
19 resulting from YouTube's wrongful conduct. A class action is superior to other available methods for  
20 the fair and efficient adjudication of the controversy. Treatment as a class action will permit a large  
21 number of similarly situated persons to adjudicate their common claims in a single forum  
22 simultaneously, efficiently, and without the duplication of effort and expense that numerous individual  
23 actions would engender. Class treatment will also permit the adjudication of claims by many members  
24 of the proposed class who could not individually afford to litigate a claim such as is asserted in this  
25 complaint. This action likely presents no difficulties in management that would preclude maintenance  
26 as a class action.

**FIRST CAUSE OF ACTION**  
**NEGLIGENCE**  
**(Abnormally Dangerous Activity)**

1  
2  
3  
4 95. Plaintiff realleges and incorporates by reference herein all allegations above.

5 96. A company is strictly liable to individuals that are injured while the company engages in  
6 an abnormally dangerous activity.

7 97. An activity is abnormally dangerous if it (a) necessarily involves a risk of serious harm to  
8 the person, land or chattels of others which cannot be eliminated by the exercise of the utmost care, and  
9 (b) is not a matter of common usage.

10 98. Requiring Content Moderators to review graphic and objectionable content is an  
11 abnormally dangerous activity. Content Moderators risk serious and debilitating psychological trauma,  
12 including severe anxiety, depression and PTSD and there is no way to eliminate this risk. Content  
13 moderation is also not a matter of common usage. Only a handful of technology companies, non-profits,  
14 government agencies, and non-governmental organizations review content.

15 99. Strict liability for a defendant that engages in abnormally dangerous activity represents a  
16 social-policy determination that the defendant, while engaged in an enterprise tolerated by the law,  
17 must pay for the damage caused by its enterprise.

18 100. In fiscal year 2019, YouTube and its parent company Google made a combined  
19 approximately \$150 billion in advertising revenue. In 2018, that number was nearly \$127 billion, and in  
20 2017 that number was almost \$103 billion. YouTube and Google are some of the most successful  
21 companies in history based on revenue.

22 101. YouTube derives this vast wealth from providing a platform safe from graphic and  
23 objectionable content. YouTube relies on Content Moderators to ensure that its platform is free from  
24 graphic and objectionable content. Therefore, YouTube is required under the law to pay for the harm  
25 caused by requiring Content Moderators to review and remove graphic and objectionable content.

26 102. As a result of YouTube's tortious conduct, Plaintiff and the class are at an increased risk  
27 of developing serious mental health injuries, including, but not limited to, PTSD, anxiety, and  
28 depression.

1           103. To remedy that injury, Plaintiff and the class need medical monitoring that provides  
2 specialized screening, assessment, and treatment not generally given to the public at large.

3           104. The medical monitoring regime includes, but is not limited to, baseline screening,  
4 assessments, and examinations that will assist in diagnosing the adverse health effects associated with  
5 exposure to trauma. This screening and assessment will also inform which behavioral and/or  
6 pharmaceutical interventions are best suited to preventing or mitigating various adverse consequences  
7 of post-traumatic stress and other conditions associated with exposure to graphic imagery.

8           105. In particular, the medical monitoring regime includes (a) secondary preventative  
9 interventions, designed to reduce the risk of later onset of PTSD among class members who are not yet  
10 displaying symptoms of PTSD; (b) tertiary interventions, designed to reduce the worsening of  
11 symptoms among those who are already experiencing symptoms associated with post-traumatic stress  
12 or have a diagnosis of PTSD; and (c) evidence-based treatments to facilitate recovery from mental  
13 health conditions.

14           106. Monitoring, assessing, and providing preventative interventions and/or treatment to  
15 Plaintiff and the class will significantly reduce the risk of long-term injury, disease, and economic loss  
16 that Plaintiff and the class have incurred as a result of YouTube's unlawful conduct.

17           107. Plaintiff seeks medical screening and treatment to facilitate the screening, diagnosis, and  
18 adequate treatment of Plaintiff and the class for psychological trauma, including to prevent or mitigate  
19 conditions such as PTSD, anxiety, and depression.

20           108. Plaintiff also seeks compensatory damages for the injuries she and the class have  
21 suffered.

22           109. Plaintiff also seeks an award of attorney's fees.

23  
24                                   **SECOND CAUSE OF ACTION**  
25                                   **NEGLIGENCE**  
26                                   **(Negligent Exercise of Retained Control)**

27           110. Plaintiff realleges and incorporates by reference herein all allegations above.

28           111. Solely in the alternative and to the extent it is determined that YouTube is not strictly  
liable for the harm caused by engaging in an abnormally dangerous activity, Plaintiff brings this second

1 cause of action for negligent exercise of retained control.

2 112. The hirer of an independent contractor is liable to an employee of the contractor insofar  
3 as the hirer's negligent exercise of retained control affirmatively contributed to the employee's injuries.

4 113. If an entity hires an independent contractor to complete work but retains control over  
5 any part of the work, the hiring entity has a duty to the independent contractor's employees or  
6 subcontractors to exercise that control with reasonable care.

7 114. If the hiring entity negligently exercises its retained control in a manner that  
8 affirmatively contributes to the injuries of the contractor's employees or subcontractors, the hiring  
9 entity is liable for those injuries.

10 115. At all times relevant to the allegations herein, Plaintiff and class members were  
11 employees or subcontractors of independent contractors that YouTube hired to provide content  
12 moderation services including, for example, Collabera, Vaco and Accenture.

13 116. YouTube exercised full retained control over certain aspects of the work performed by  
14 Plaintiff and the class, including:

- 15 a. Requiring Content Moderators to use a YouTube-developed review platform that  
16 presented unmitigated traumatic content to Content Moderators according to  
17 YouTube-developed algorithms;
- 18 b. Requiring that Content Moderators—through their employers—sign NDAs and  
19 undergo YouTube-developed confidentiality trainings that prohibited Content  
20 Moderators from discussing their work outside their review teams;
- 21 c. Requiring that Content Moderators be interviewed and undergo training using  
22 YouTube-developed training materials and procedures; and
- 23 d. Setting expectations as to the overall timeframe for and accuracy of content review  
24 and calculating the amount of time it should take a Content Moderator to review  
25 different types of posts.

26 117. Based on its exercise of retained control, YouTube has had at all relevant times a duty to  
27 exercise reasonable care with regard to the safety of Plaintiff and the class.

28

1           118. YouTube negligently exercised its retained control in a manner that affirmatively  
2 contributed to the injuries of Plaintiff and the class, including by exacerbating Plaintiff's and class  
3 members' risks of developing PTSD or other health issues. For example:

- 4           a. YouTube failed to provide adequate technological safeguards to protect Content  
5 Moderators from risks associated with exposure to traumatic content .via YouTube's  
6 single Review Tool;
- 7           b. YouTube's NDAs and confidentiality requirements diminished Content  
8 Moderators' social support networks and resilience by prohibiting Content  
9 Moderators from speaking about the content they reviewed or other related  
10 workplace conditions to anyone outside of their review teams;
- 11           c. YouTube failed to provide Content Moderators with an interview process and  
12 training that met the standards it developed through the Technology Coalition's  
13 Guidebook; and
- 14           d. YouTube failed to provide Content Moderators with access to sufficient  
15 psychological supports, including a sufficient number of trained clinicians to provide  
16 regular individualized counseling sessions, in order to assist Contest Moderators in  
17 their response to the traumatic materials they must view.

18           119. YouTube was aware of the psychological trauma that could be caused by viewing graphic  
19 and objectionable content, including videos and/or images of child abuse, rape, torture, bestiality,  
20 beheadings, suicide, murder, and other forms of extreme violence.

21           120. YouTube was also aware or should have been aware that the single Review Tool could be  
22 made safer if proper precautions were followed, that requiring Content Moderators not to discuss their  
23 work or workplace conditions reduced their ability to deal with traumatic content, and that YouTube's  
24 failure to provide sufficient psychological supports overall quality and quantity standards had the effect  
25 of increasing Content Moderators' risk of injury from psychological trauma.

26           121. YouTube breached its duty to Plaintiff and the class by failing to provide the necessary  
27 and adequate technological safeguards, safety and instructional materials, warnings, social support,  
28 mental health services, anonymous hotline numbers, and other means to reduce and/or minimize the

1 physical and psychiatric risks associated with exposure to graphic imagery while performing content  
2 moderation of material posted to YouTube.

3 122. YouTube continues to breach its duty to class members by failing to exercise its retained  
4 control with reasonable care; that breach continues to elevate class members' risk of injury from  
5 psychological trauma.

6 123. As a result of YouTube's tortious conduct, Plaintiff and the class are at an increased risk  
7 of developing serious mental health injuries, including, but not limited to, PTSD, anxiety, and  
8 depression.

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

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

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

22 127. Monitoring, assessing, and providing preventative interventions and/or treatment to  
23 Plaintiff and the class will significantly reduce the risk of long-term injury, disease, and economic loss  
24 that Plaintiff and the class has incurred as a result of YouTube's unlawful conduct.

25 128. Plaintiff seeks medical screening and treatment to facilitate the screening, diagnosis, and  
26 adequate treatment of Plaintiff and the class for psychological trauma, including to prevent or mitigate  
27 conditions such as PTSD, anxiety, and depression.  
28

1 129. Plaintiff also seeks compensatory damages for the injuries she and the class have  
2 suffered.

3 130. Plaintiff also seeks an award of attorney's fees.  
4

5 **THIRD CAUSE OF ACTION**  
6 **NEGLIGENCE**  
7 **(Negligent Provision of Unsafe Equipment)**

8 131. Plaintiff realleges and incorporate by reference herein all allegations above.

9 132. Solely in the alternative and to the extent that this Court concludes that YouTube is not  
10 strictly liable for the harm caused by engaging in an abnormally dangerous activity, Plaintiff brings this  
11 third cause of action for negligence provision of unsafe equipment.

12 133. An entity that hires an independent contractor to complete work is liable to the  
13 independent contractor's employees or subcontractors if the hiring entity negligently provides unsafe  
14 equipment that contributes to a workplace injury.

15 134. YouTube provided to its independent contractors the review platform that Plaintiff and  
16 the class were required to use to complete their work.

17 135. YouTube had a duty to exercise reasonable care to furnish a safe review platform to its  
18 contractors.

19 136. YouTube was aware of the psychological trauma that could be caused by viewing graphic  
20 and objectionable content, including videos and/or images of child abuse, rape, torture, bestiality,  
21 beheadings, suicide, murder, and other forms of extreme violence through its review platforms.

22 137. YouTube was aware or should have been aware that its review platforms could be made  
23 safer if proper precautions were followed.

24 138. YouTube nevertheless provided unsafe review tools to Plaintiff and the class that  
25 exposed Plaintiff and the class to unmitigated traumatic content.

26 139. YouTube breached its duty to Plaintiff and the class by failing to provide necessary and  
27 adequate technological safeguards, safety and instructional materials, warnings, and other means to  
28 reduce and/or minimize the physical and psychiatric risks associated with exposure to graphic imagery  
through YouTube's review platform.



1           140. YouTube continues to breach its duty to class members by failing to provide a reasonably  
2 safe review platform; that breach continues to elevate class members' risk of injury from psychological  
3 trauma.

4           141. As a result of YouTube's tortious conduct, Plaintiff and the class are at an increased risk  
5 of developing serious mental health injuries, including, but not limited to, PTSD, anxiety, and  
6 depression.

7           142. To remedy that injury, Plaintiff and the class need medical monitoring that provides  
8 specialized screening, assessment, and treatment not generally given to the public at large.

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

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

20           145. Monitoring, assessing, and providing preventative interventions and/or treatment to  
21 Plaintiff and the class will significantly reduce the risk of long-term injury, disease, and economic loss  
22 that Plaintiff and the class have incurred as a result of YouTube's unlawful conduct.

23           146. Plaintiff seeks medical screening and treatment to facilitate the screening, diagnosis, and  
24 adequate treatment of Plaintiff and the class for psychological trauma, including to prevent or mitigate  
25 conditions such as PTSD, anxiety, and depression.

26           147. Plaintiff also seeks compensatory damages for the injuries she and the class have  
27 suffered.

28           148. Plaintiff also seeks an award of attorney's fees.

**FOURTH CAUSE OF ACTION**  
**CALIFORNIA UNFAIR COMPETITION LAW**

1  
2  
3 149. Plaintiff realleges and incorporates by reference herein all allegations above.

4 150. Solely in the alternative and to the extent that this Court concludes that YouTube is not  
5 strictly liable for the harm caused by engaging in an abnormally dangerous activity, Plaintiff brings this  
6 fourth cause of action for violation of California Unfair Competition Law.

7 151. YouTube's negligent exercise of retained control of the content moderation work  
8 performed by Plaintiff and the class violates California common law.

9 152. YouTube's negligent provision of unsafe equipment to its independent contractors for  
10 use by Plaintiff and the class also violates California common law.

11 153. Plaintiff each suffered an injury in fact because of YouTube's negligent conduct and has  
12 lost money because of YouTube's conduct.

13 154. Specifically, Plaintiff paid out of pocket for medical treatment and therapy for her  
14 depression and symptoms of anxiety and PTSD, which was caused by YouTube's conduct.

15 155. However, it would not be possible to quantify the full extent of this irreparable harm in  
16 the form of legal remedies, and any such quantification may render the remedy sought inadequate or  
17 incomplete.

18 156. There were and are reasonably available alternatives to the conduct described herein that  
19 would further YouTube's legitimate business interests.

20 157. In the absence of a complete legal remedy, Plaintiff seeks all appropriate injunctive relief  
21 pursuant to section 17203 of the California Business and Professions Code, including an order requiring  
22 YouTube to implement safety guidelines for all prospective content moderation operations.

23 158. Plaintiff also seeks an injunction creating a YouTube-funded medical monitoring  
24 program to facilitate the screening, diagnosis, and adequate treatment of Plaintiff and the class for  
25 psychological trauma and irreparable harm, including preventing or mitigating conditions such as  
26 PTSD, anxiety, and depression. The program should include a fund to pay for the medical monitoring  
27 and treatment of Plaintiff and the class as frequently and appropriately as necessary.

28 159. Plaintiff also seeks an award of attorney's fees.

1 **FIFTH CAUSE OF ACTION**  
2 **CALIFORNIA UNFAIR COMPETITION LAW**  
3 **(as “Special Employer”)**

4 160. Plaintiff realleges and incorporate by reference herein all allegations above.

5 161. Solely in the alternative and to the extent that this Court concludes that YouTube is a  
6 “special employer” of Plaintiff and the class, Plaintiff brings this fifth cause of action under the UCL  
7 based on YouTube’s failure to provide a safe workplace and its violation of California’s prohibition on  
8 non-disclosure requirements concerning workplace conditions.

9 162. Section 6400 of California’s Labor Code requires employers to “furnish employment  
10 and a place of employment that is safe and healthful for the employees therein.” Similarly, section 6401  
11 requires every employer to “furnish and use safety devices and safeguards, and [to] adopt and use  
12 practices, means, methods, operations, and processes which are reasonably adequate to render such  
13 employment and place of employment safe and healthful.”

14 163. To protect employees from unsafe workplaces, California law requires that “[e]very  
15 employer shall do every other thing reasonably necessary to protect the life, safety, and health of  
16 employees.” Cal. Labor Code § 6401. This includes “establish[ing], implement[ing], and maintain[ing]  
17 an effective injury prevention program.” Cal. Labor Code § 6401.7. Employers must “provide and use  
18 safety devices and safeguards reasonably adequate to render the employment and place of employment  
19 safe,” “adopt and use methods and processes reasonably adequate to render the employment and place  
20 of employment safe,” and “do every other thing reasonably necessary to protect the life, safety, and  
21 health of employees.” Cal. Labor Code § 6403

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

24 165. YouTube failed to provide a safe working environment. YouTube routinely and  
25 repeatedly exposed Plaintiff and the class to content known to cause psychological trauma, including  
26 PTSD, anxiety, and depression. Even though YouTube knew of and could have reasonably  
27 implemented adequate safety measures, the corporation refused to implement necessary and adequate  
28

1 safety and instructional materials, trainings, warnings, mental health supports, and other means to  
2 reduce and/or minimize the risks associated with exposure to graphic content.

3 166. YouTube’s failure to provide a safe workplace for Plaintiff and the class violates, *inter*  
4 *alia*, sections 6400, 6401, 6401.7, 6402, and 6403 of the California Labor Code.

5 167. In requiring Content Moderators to sign sweeping NDAs and instructing Content  
6 Moderators not to disclose information about working conditions—including the traumatic nature of  
7 the content, the intense stress from quantity and quality expectations, and the lack of training and safety  
8 measures to protect moderators from trauma exposure—YouTube further violates section 232.5 of the  
9 California Labor Code.

10 168. YouTube’s illegal conduct was and is willful and serious and has directly caused harm to  
11 Plaintiff and the class.

12 169. Plaintiff suffered an injury in fact because of YouTube’s conduct and has lost money  
13 because of YouTube’s conduct.

14 170. Specifically, Plaintiff paid out of pocket for medical treatment and therapy for her  
15 depression and symptoms of anxiety and PTSD, which was caused by YouTube’s conduct.

16 171. However, it would not be possible to quantify the full extent of this irreparable harm in  
17 the form of legal remedies, and any such quantification may render the remedy sought inadequate or  
18 incomplete.

19 172. There were reasonably available alternatives to the conduct described herein that would  
20 further YouTube’s legitimate business interests.

21 173. YouTube’s failure to follow worker safety laws amounts to an unlawful, unfair, and  
22 fraudulent business practice under California Business and Professions Code section 17200.

23 174. In the absence of a complete legal remedy, Plaintiff seeks all appropriate injunctive relief  
24 pursuant to Business and Professions Code section 17203, including an order requiring YouTube to  
25 implement safety guidelines for all Content Moderators.

26 175. Plaintiff also seeks an injunction creating a YouTube-funded medical monitoring  
27 program to facilitate the screening, diagnosis, and adequate treatment of Plaintiff and the class for  
28 psychological trauma, including preventing or mitigating conditions such as PTSD, anxiety, and

1 depression. The program should include a fund to pay for the medical monitoring and treatment of  
2 Plaintiff and the class as frequently and appropriately as necessary.

3 176. Plaintiff and the class will be irreparably harmed and/or denied an effective and  
4 complete remedy if such an order is not granted.

5 177. Plaintiff also seeks an award of attorney's fees.

6 **PRAYER FOR RELIEF**

7 **WHEREFORE**, Plaintiff, individually and on behalf of the class, requests that the Court:

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

26 **DEMAND FOR JURY TRIAL**

27 Plaintiff hereby request trial by jury.  
28

1 Dated: August 19, 2022

Respectfully Submitted,

2 JOSEPH SAVERI LAW FIRM, LLP

3 By:   
4 Steven N. Williams

5 Joseph R. Saveri (SBN 130064)  
6 Steven N. Williams (SBN 175489)  
7 Elissa A. Buchanan (SBN 249996)  
8 Abraham Maggard (SBN 339949)  
9 **JOSEPH SAVERI LAW FIRM, LLP**  
10 601 California Street, Suite 1000  
11 San Francisco, CA 94108  
12 Telephone: (415) 500-6800  
13 Facsimile: (415) 395-9940  
14 jsaveri@saverilawfirm.com  
15 swilliams@saverilawfirm.com  
16 eabuchanan@saverilawfirm.com  
17 amaggard@saverilawfirm.com

18 *Attorneys for Plaintiff and the Proposed Class*