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2016 JAN -5 P 2: 56

David H. Yamaseki, Clerk of the Superior Court
County of Santa Clara, California

By: _____ Page 1

1 **ADISHIAN LAW GROUP, P.C.**
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8 Attorneys for Plaintiff George Booth

9
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF SANTA CLARA**

12 **GEORGE BOOTH,**

13 Plaintiff,

14 v.

15 eBAY, INC. a Delaware corporation; PAYPAL
16 HOLDINGS, INC., a Delaware corporation;
17 PAYPAL, INC., a Delaware corporation;
18 and DOES 1 through 50, Inclusive,

19 Defendants.

Case No.: **116CV289743**

Hon.
Department

COMPLAINT FOR DAMAGES:

1. **Age Discrimination**
[CGC §12940(a)]
2. **Disability Discrimination**
[CGC §12940(a)]
3. **Failure to Provide**
Accommodation
[CGC §12940(m)]
4. **Failure to Engage in an**
Interactive Process
[CGC §12940(n)]
5. **Failure to Prevent Discrimination**
[CGC §12940(k)]
6. **Retaliation** [CGC §12940(h)]
7. **Wrongful Termination in**
Violation of Public Policy

Complaint Filed:
Trial Date: None

20 COMES NOW Plaintiff GEORGE BOOTH ("Plaintiff" or "George") and alleges as
21 follows:

22 **PARTIES**

- 23 1. Plaintiff was, at all times relevant to this Complaint, an individual employed by
24 Defendants eBAY, INC. ("eBay"), PAYPAL HOLDINGS, INC. ("PHI"), and PAYPAL,

ADISHIAN LAW GROUP, P.C.

BY FAX

1 INC. ("PPI"), (PPH and PPI, collectively "PayPal"), while residing in the State of
2 California.

3 2. Defendant eBAY, INC., NASDAQ: EBAY, ("eBay") is, and at all times herein
4 mentioned was, a Delaware corporation qualified to do and doing business within the State
5 of California, having its worldwide headquarters at 2065 Hamilton Avenue, San Jose,
6 California 95125-5904, thereby manifesting sufficient contact with the State of California
7 to establish jurisdiction.

8 3. Defendant PayPal is, and at all times herein mentioned was, a Delaware corporation
9 qualified to do and doing business within the State of California, having its worldwide
10 headquarters at 2211 N. 1st Street, San Jose, California 95131-2021 thereby manifesting
11 sufficient contact with the State of California to establish jurisdiction.

12 4. Defendants eBay and PayPal, independently and jointly, employ more than 5
13 persons and are employers as defined in the California Fair Employment and Housing Act
14 ("FEHA").

15 5. Plaintiff is informed and believes and, based on that information and belief, alleges
16 that, at various times herein mentioned, each of the defendants was the agent, either direct,
17 ostensible or otherwise, servant, representative of employee of each of the remaining
18 defendants and, in engaging in certain acts hereinafter alleged, was acting within the course
19 and scope of said agency, service, representation, or employment and materially assisted
20 the other defendants. Plaintiff is further informed and believes and, based on that
21 information and belief, alleges that each of the defendants ratified the acts of the remaining
22 defendants.

23 6. Plaintiff is ignorant of the true names and capacities, whether individual, corporate,
24 associate or otherwise, of defendants sued herein as Does 1 through 50, inclusive, and
25 therefore sues said defendants by such fictitious names. Plaintiff is informed and believes
26 and, upon such information and belief, alleges that each of the defendants designated as a
27 Doe is legally responsible in some manner for the events and happenings referred to herein
28 and caused the damages proximately thereby to Plaintiff as hereinafter alleged. Plaintiff

1 will seek leave of court to amend this complaint to show the true names and capacities of
2 said Doe defendants when same have been ascertained.

3 **CASE SUMMARY**

4 7. Defendants terminated a highly-acclaimed 67 year old, senior level corporate
5 security officer earning close to \$200,000 annually, two days after they learned Plaintiff
6 had been hospitalized for a spike in blood pressure. Defendants were fully aware that
7 George had suffered a heart attack five months earlier, in December 2013, but had returned
8 to work, satisfactorily performing his full duties with no accommodations.

9 **STATEMENT OF FACTS**

10 8. On or about July 2, 1999, eBay hired George as a safety security manager with a
11 starting salary of \$60,000.00.

12 9. Thereafter, eBay promoted George to Senior Manager with significant
13 responsibilities and several direct reports. His exemplary performance evaluations led to
14 multiple salary increases through the intervening years of George's employment, such that
15 at the time of his wrongful termination, he was making \$174,649 in base salary, plus
16 benefits, bonuses and grants of Restricted Stock Units (RSU's).

17 10. In or about 2002, Defendant eBay acquired Defendant PayPal and the two entities
18 remained in "partnership" until July 2015 when the companies separated.

19 11. During the years that the interests of eBay and PayPal were intertwined, Defendants
20 either individually, or jointly, employed Plaintiff.

21 12. George was highly valued as a security expert during his tenure with eBay, both within
22 the company and in the security community at large.

23 13. For example, a few short months prior to his wrongful termination, eBay awarded
24 George a substantial monetary gift, "as a token of the company's thanks for his efforts"
25 relating to the separation of PayPal from the mother company (eBay), with the proviso that
26 George "stick with eBay" until he decided to retire. The award was authorized by Peter
27 Sandman, Senior Director of Workplace Resources and signed by eBay CFO, Bob Swan.

28 14. George's recognized expertise in the larger security community garnered him

1 invitations to participate in conferences and seminars across the country which heightened
2 not only George's prestige in the security community, but also eBay's.

3 15. George's speaking engagements to the following security groups benefited eBay's
4 standing in the security community and precipitated additional income for George's
5 employer:

6 2010	IAPSC Annual Conference	Jacksonville, Florida	Speaker
7 2010	Lenel International Global Conference	Rochester, New York	Speaker
8 2012	Northland Controls Global Conference	Fremont, California	Speaker
9 2012	Lenel International Global Conference	Rochester, New York	Speaker
10 2012	Security Exchange	Park City, Utah	Discussion Leader
11 2013	Security 500	Palo Alto, California	Speaker
12 2013	Security Exchange	Park City, Utah	Discussion Leader
13 2014	Security 500	Palo Alto, California	Panel Moderator

14 16. George was further honored in 2014 by Security 500 when he was listed as one of
15 the organization's "enterprises and security leaders" considered to be "**among the biggest**
16 **and best security organizations in the world**". Due to his stellar reputation in the
17 security industry, companies such as Apple, Google, Amazon, Facebook and FedEx
18 routinely sought George out for advice on security protocols and policies.

19 17. On or about September 14, 2014, Jim Fussell (Fussell), a younger male in his 40's
20 who George had hired ten years earlier as a safety manager, was promoted to Director of
21 Global Safety and Security, and thereby became George's manager.

22 18. After Fussell's promotion, eBay began an orchestrated campaign to eviscerate
23 George's job responsibilities and to force George, an older, highly paid, long-term
24 employee (the longest then employed by eBay) to resign.

25 19. As a part of eBay's contrived scheme to divest George of his responsibilities which,
26 it hoped, would precipitate his resignation, Fussell reassigned George's primary
27 responsibility for Corporate Data Centers and the two corporate headquarters in San Jose to
28 Oscar Carraco, a 30-year old former dishwasher who George had originally hired and
trained.

20. Younger employees under Fussell's supervision did not experience a similar

1 divestiture of their job responsibilities.

2 21. On or about May 12, 2015, George experienced a frightening spike in his blood
3 pressure which necessitated an emergency room visit. George's blood pressure had to be
4 closely monitored due to his prior history of a heart attack and permanent damage which
5 had necessitated the surgical placement of three stints. George's medical history was well
6 known to Defendants, but as it had never had a negative impact on the performance of his
7 job duties, until May 2015, it was a non-issue to Defendants.

8 22. While still at the hospital emergency room on or about May 12th, George contacted
9 Stanley Aloysius, Director of Safety and Security (Aloysius), to advise him of his medical
10 condition. At that time, George requested disability leave to which he was legally entitled
11 in order to medically treat his severe high blood pressure.

12 23. The very next day, on or about May 13, 2015, Aloysius telephoned George at his
13 home and demanded that he return to work the next day.

14 24. On or about May 14, 2015, George dutifully returned to work and met, as instructed,
15 with Fussell, Aloysius and an HR representative. At that meeting, Fussell terminated
16 George for the pretextual reason that he had used a derogatory phrase when speaking about
17 a co-employee in a private conversation **6 weeks earlier**.

18 25. The incident which allegedly precipitated George's firing was a private conversation
19 on or about April 8, 2015, about which George later admitted he could have chosen better
20 language, but did not anticipate that a single comment made directly to a co-worker away
21 from any public area would be overheard and manipulated to create the reason for his
22 termination.

23 26. On or about April 29, 2015, after the April 8th incident had been reported to
24 management, George met with Aloysius. Although Aloysius admonished George for his
25 "inappropriate" comment, he told George that he suspected George was being "**set-up**" for
26 termination.

27 27. The presumption that George had been "set-up" is logically deduced from the
28 following circumstances:

- 1 • George made an innocuous comment similar to those made daily in the eBay
- 2 workplace;
- 3 • Former President of PayPal, Dan Schulman, regularly used similar language;
- 4 • Male co-workers Dan Harney, in his 40's, and Sheetal Diyah, in his 30's, used
- 5 identical language in the workplace and were neither disciplined nor terminated;
- 6 • A sham investigation of the April 8th incident was conducted by Fussell who did
- 7 **not** interview either George or the co-worker to whom George made the allegedly
- 8 inappropriate comment; and
- 9 • George, a 16-year employee with a previously stellar performance record, was
- 10 **not** offered a PIP in lieu of termination, irrespective of the fact that graduated
- 11 discipline was a part of eBay's employment model.

12 28. Defendants did not terminate George Booth because he made an alleged derogatory
13 comment about a co-worker. Defendants fired George because he was:

- 14 • 67-years old;
- 15 • Earning an annual salary of \$174,649.00, tens of thousands dollars more than his
- 16 younger co-workers who were being assigned George's job responsibilities;
- 17 • On the brink of taking a costly disability leave; and
- 18 • Suffering from a medical condition which Defendants knew, if they continued to
- 19 employ George, would be forced to accommodate.

20 29. On or about July 21, 2015, DFEH issued a Right to Sue Letter to Plaintiff, a true and
21 correct copy of which is attached hereto as **Exhibit 1** and incorporated herein by reference.

22 30. On or about November 9, 2015, DFEH issued a First Amended Right to Sue Letter
23 to Plaintiff, a true and correct copy of which is attached hereto as **Exhibit 2** and
24 incorporated herein by reference.

25 31. On or about November 24, 2015, DFEH issued a Second Amended Right to Sue
26 Letter to Plaintiff a true and correct copy of which is attach hereto as **Exhibit 3** and
27 incorporated herein by reference.

28 ///

FIRST CAUSE OF ACTION

(For Age Discrimination Against All Defendants)

32. Plaintiff realleges and incorporates herein by reference all of the allegations set forth in paragraphs 1 through 31 as though fully set forth herein.

33. This cause of action is brought pursuant to CALIFORNIA GOVERNMENT CODE §12940(a) which prohibits discrimination against a person in terms, conditions or privileges of employment on the basis of age, and the corresponding regulations of the California Fair Employment and Housing Commission, or its successor.

34. At all times herein mentioned, Defendants eBay and PayPal, jointly and independently, employed five or more persons, bringing said Defendant employer within the provision of CALIFORNIA GOVERNMENT CODE §12900 et seq., prohibiting employers or their agents from discriminating against employees on the basis of age.

35. Plaintiff is a member of a protected class within the meaning of the aforementioned Government Code sections. At all relevant times herein, Plaintiff satisfactorily performed his duties and responsibilities as expected by Defendants and, in fact, exceeded those expectations by his performance.

36. Plaintiff alleges that on or about May 14, 2015, Defendants eBay and PayPal wrongfully retaliated against him, discriminated against him, and terminated him on the basis of his age.

37. As a proximate result of Defendants' discriminatory conduct, Plaintiff has sustained and continues to sustain substantial loss in past, present and future earnings, career opportunities, bonuses and other employment benefits, including but not limited to grants of RSU's, in amounts to be proven at trial. Plaintiff's damages include all consequential, general and special economic damages in amounts to be proven at trial.

38. As a further proximate result of Defendants' discriminatory conduct, Plaintiff has suffered and continues to suffer humiliation, severe emotional distress and mental and physical pain and anguish, all to his damage in a sum according to proof.

39. The foregoing acts of Defendants were oppressive, malicious, and despicable, and

1 Plaintiff is, therefore, entitled to an award of punitive damages against Defendants in an
2 amount to be proven at trial.

3 **SECOND CAUSE OF ACTION**

4 **(For Disability Discrimination Against All Defendants)**

5 40. Plaintiff realleges and incorporates herein by reference all of the allegations set
6 forth in paragraphs 1 through 39 as though fully set forth herein.

7 41. This cause of action is brought pursuant to CALIFORNIA GOVERNMENT CODE
8 §12940(a) which prohibits discrimination against a person in terms, conditions or privileges
9 of employment on the basis of disability, and the corresponding regulations of the
10 California Fair Employment and Housing Commission, or its successor.

11 42. At all times herein mentioned, Defendants eBay and PayPal, jointly and
12 independently, employed five or more persons, bringing said Defendant employer within
13 the provision of CALIFORNIA GOVERNMENT CODE §12900 et seq., prohibiting
14 employers or their agents from discriminating against employees on the basis of disability.

15 43. Plaintiff is a member of a protected class within the meaning of the aforementioned
16 GOVERNMENT CODE sections. At all relevant times herein, Plaintiff satisfactorily
17 performed his duties and responsibilities as expected by Defendants and, in fact, exceeded
18 those expectations by his performance.

19 44. Plaintiff alleges that on or about May 14, 2015, Defendants eBay and PayPal
20 wrongfully retaliated against him, discriminated against him, and terminated him on the
21 basis of his disability.

22 45. As a proximate result of Defendants' discriminatory conduct, Plaintiff has sustained
23 and continues to sustain substantial loss in past, present and future earnings, career
24 opportunities, bonuses and other employment benefits, including but not limited to grants
25 of RSU's, in amounts to be proven at trial. Plaintiff's damages include all consequential,
26 general and special economic damages in amounts to be proven at trial.

27 46. As a further proximate result of Defendants' discriminatory conduct, Plaintiff has
28 suffered and continues to suffer humiliation, severe emotional distress and mental and

1 physical pain and anguish, all to his damage in a sum according to proof.

2 47. The foregoing acts of Defendants were oppressive, malicious, and despicable, and
3 Plaintiff is, therefore, entitled to an award of punitive damages against Defendants in an
4 amount to be proven at trial.

5 **THIRD CAUSE OF ACTION**

6 **(For Failure to Provide Accommodation Against All Defendants)**

7 48. Plaintiff realleges and incorporates herein by reference all of the allegations set
8 forth in paragraphs 1 through 47 as though fully set forth herein.

9 49. This cause of action is brought pursuant to CALIFORNIA GOVERNMENT CODE
10 §12940(m) which provides that it is an unlawful employment practice “[f]or an employer or
11 other entity covered by this part to fail to make reasonable accommodation for the known
12 physical or mental disability of an applicant or employee”.

13 50. On or about May 12, 2015, at the time that Plaintiff advised Defendants, including
14 his supervisor Fussell, that he had been diagnosed with heart failure, including high blood
15 pressure precipitated by anxiety and stress, Defendants were aware of the restrictions on
16 Plaintiff which would limit his ability to perform his job duties.

17 51. At such time, Defendants were under a duty to take affirmative steps to offer
18 Plaintiff accommodation, including but not limited to the disability leave he requested.

19 52. As a proximate result of Defendants’ wrongful conduct, Plaintiff has sustained and
20 continues to sustain substantial loss in past, present and future earnings, career
21 opportunities, bonuses and other employment benefits, including but not limited to grants
22 of RSU’s, in amounts to be proven at trial. Plaintiff’s damages include all consequential,
23 general and special economic damages in amounts to be proven at trial.

24 53. Defendants’ conduct in failing to provide reasonable accommodation was a
25 substantial factor in causing Plaintiff to suffer and continues to suffer humiliation, severe
26 emotional distress and mental and physical pain and anguish, all to his damage in a sum
27 according to proof.

28 54. The foregoing acts of Defendants were oppressive, malicious, and despicable, and

1 Plaintiff is, therefore, entitled to an award of punitive damages against Defendants in an
2 amount to be proven at trial.

3 **FOURTH CAUSE OF ACTION**

4 **(For Failure to Engage in Interactive Process Against All Defendants)**

5 55. Plaintiff realleges and incorporates herein by reference all of the allegations set
6 forth in paragraphs 1 through 54 as though fully set forth herein.

7 56. This cause of action is brought pursuant to CALIFORNIA GOVERNMENT CODE
8 §12940(n) which provides that it is an unlawful employment practice “[f]or an employer or
9 other entity covered by this part to fail to engage in a timely, good faith, interactive process
10 with the employee or applicant to determine effective reasonable accommodations, if any,
11 in response to a request for reasonable accommodation by an employee or applicant with a
12 known physical or mental disability of known medical condition”.

13 57. On or about May 12, 2015, at the time that Plaintiff advised Defendants, including
14 his supervisor Fussell, that he had been diagnosed and had received treatment for heart
15 failure, including high blood pressure precipitated by anxiety and stress, Defendants were
16 aware of Plaintiff’s medical condition and his request for limited disability leave.

17 58. On about about May 14, 2015, rather than engage in an interactive process to
18 determine a reasonable accommodation for Plaintiff, including but not limited to disability
19 leave, Defendants instead unjustifiably terminated Plaintiff.

20 59. As a proximate result of Defendants’ wrongful conduct, Plaintiff has sustained and
21 continues to sustain substantial loss in past, present and future earnings, career
22 opportunities, bonuses and other employment benefits, including but not limited to grants
23 of RSU’s, in amounts to be proven at trial. Plaintiff’s damages include all consequential,
24 general and special economic damages in amounts to be proven at trial.

25 60. Defendants’ conduct in failing to engage in an interactive process was a substantial
26 factor in causing Plaintiff to suffer and continues to suffer humiliation, severe emotional
27 distress and mental and physical pain and anguish, all to his damage in a sum according to
28 proof.

1 61. The foregoing acts of Defendants were oppressive, malicious, and despicable, and
2 Plaintiff is, therefore, entitled to an award of punitive damages against Defendants in an
3 amount to be proven at trial.

4 **FIFTH CAUSE OF ACTION**

5 **(For Failure to Prevent Discrimination Against All Defendants)**

6 62. Plaintiff realleges and incorporates herein by reference all of the allegations set
7 forth in paragraphs 1 through 61 as though fully set forth herein.

8 63. Defendants eBay and PayPal had a statutory duty, pursuant to CALIFORNIA
9 GOVERNMENT CODE §12940(k) to take all reasonable steps necessary to prevent
10 discrimination from occurring in the workplace.

11 64. Defendants eBay and PayPal breached their statutory duty of care to Plaintiff by
12 failing to take all reasonable steps necessary to prevent the discrimination experienced by
13 Plaintiff, ultimately resulting in his wrongful termination.

14 65. As a proximate result of Defendants' discriminatory conduct, Plaintiff has sustained
15 and continues to sustain substantial loss in past, present and future earnings, career
16 opportunities, bonuses and other employment benefits, including but not limited to grants
17 of RSU's, in amounts to be proven at trial. Plaintiff's damages include all consequential,
18 general and special economic damages in amounts to be proven at trial.

19 66. As a further proximate result of Defendants' discriminatory conduct, Plaintiff has
20 suffered and continues to suffer humiliation, severe emotional distress and mental and
21 physical pain and anguish, all to his damage in a sum according to proof.

22 67. The foregoing acts of Defendants were oppressive, malicious, and despicable, and
23 Plaintiff is, therefore, entitled to an award of punitive damages against Defendants in an
24 amount to be proven at trial.

25 **SIXTH CAUSE OF ACTION**

26 **(FEHA Retaliation Against All Defendants)**

27 68. Plaintiff realleges and incorporates herein by reference all of the allegations set
28 forth in paragraphs 1 through 67 as though fully set forth herein.

1 69. Plaintiff believes and thereon alleges that Defendants' adverse actions taken against
2 him as set forth herein occurred in retaliation for Plaintiff claiming a heart condition that
3 would have restricted his work activities in the future and for which he sought a legally
4 mandated disability leave. Such retaliatory actions are unlawful, discriminatory and
5 retaliatory in violation of CALIFORNIA GOVERNMENT CODE §12940 et seq. and have
6 resulted in damages and injury to Plaintiff as alleged herein.

7 70. As a proximate result of Defendants' retaliatory acts, Plaintiff has sustained and
8 continues to sustain substantial loss in past, present and future earnings, career
9 opportunities, bonuses and other employment benefits, including but not limited to grants
10 of RSU's, in amounts to be proven at trial. Plaintiff's damages include all consequential,
11 general and special economic damages in amounts to be proven at trial.

12 71. As a further proximate result of Defendants' retaliatory acts, Plaintiff has suffered
13 and continues to suffer humiliation, severe emotional distress and mental and physical pain
14 and anguish, all to his damage in a sum according to proof.

15 72. The foregoing acts of Defendants were oppressive, malicious, and despicable, and
16 Plaintiff is, therefore, entitled to an award of punitive damages against Defendants in an
17 amount to be proven at trial.

18 **SEVENTH CAUSE OF ACTION**

19 **(For Wrongful Termination in Violation of Public Policy Against All Defendants)**

20 73. Plaintiff realleges and incorporates herein by reference all of the allegations set
21 forth in paragraphs 1 through 72 as though fully set forth herein.

22 74. On or about May 14, 2015, George was 67 years old.

23 75. On or about May 14, 2015, George was suffering from a medical condition
24 diagnosed as heart failure for which he requested a disability leave.

25 76. On or about May 14, 2015, Defendants refused to provide accommodation to
26 Plaintiff for his known medical condition.

27 77. On or about May 14, 2015, Defendants refused to engage in an interactive process to
28 determine a reasonable accommodation for Plaintiff, including but not limited to disability

1 leave.

2 78. At all times relevant herein, there existed fundamental and established California
3 public policies, as codified by case law and statute, including but not limited to: (a)
4 CALIFORNIA GOVERNMENT CODE §12940(a); (b) CALIFORNIA GOVERNMENT
5 CODE §12940(h); (c) CALIFORNIA GOVERNMENT CODE §12940(k); (d)
6 CALIFORNIA GOVERNMENT CODE §12940(m); and (e) CALIFORNIA
7 GOVERNMENT CODE §12940(n) .

8 79. On or about May 14, 2015, Defendants eBay and PayPal violated California public
9 policies by wrongfully terminating Plaintiff on the basis of his age; by wrongfully
10 terminating Plaintiff on the basis of disability; by failing to provide Plaintiff
11 accommodation for his known disability; by failing to engage in an interactive process with
12 Plaintiff; by failing to prevent discrimination toward Plaintiff and by terminating Plaintiff
13 in retaliation for exercising his right to seek a legally mandated disability leave. As a
14 proximate result of Defendants' wrongful termination in violation of public policy of the
15 State of California, Plaintiff has sustained and continues to sustain substantial loss in past,
16 present and future earnings, career opportunities, bonuses and other employment benefits,
17 including but not limited to grants of RSU's, in amounts to be proven at trial. Plaintiff's
18 damages include all consequential, general and special economic damages in amounts to be
19 proven at trial.

20 80. As a further proximate result of Defendants' wrongful termination in violation of
21 public policy of the State of California, Plaintiff has suffered and continues to suffer
22 humiliation, severe emotional distress and mental and physical pain and anguish, all to her
23 damage in a sum according to proof.

24 81. The foregoing acts of Defendants were oppressive, malicious, and despicable, and
25 Plaintiff is, therefore, entitled to an award of punitive damages against Defendants in an
26 amount to be proven at trial.

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DEMAND FOR TRIAL BY JURY

Plaintiff hereby demands a trial by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff GEORGE BOOTH prays for judgment as follows:

FOR ALL CAUSES OF ACTION:

1. Compensatory damages, including loss of wages (front and back pay), career opportunities, benefits and other opportunities of employment;
2. Special damages in a sum to be proven at trial;
3. Punitive damages in a sum to be proven at trial;
4. Interest, including pre-judgment interest, thereon at the legal rate, including but not limited to Civil Code §3291;
5. Attorney's fees according to proof, pursuant to California Government Code §12965, or other applicable statutes or contracts;
6. Costs of suit incurred herein; and
7. Such other and further relief as to the Court may seem just and proper.

Dated: 1/5/16

Adishian Law Group, P.C.

By: 

Christopher M. Adishian
Attorney for Plaintiff George Booth

EXHIBIT 1



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-984-1684 | TDD 800-700-2320
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

DIRECTOR KEVIN KISH

July 21, 2015

Chris Adishian
222 N. Sepulveda Blvd., Ste. 2000
El Segundo California 90245

RE: Notice to Complainant or Complainant's Attorney

DFEH Matter Number: 609703-170815

Right to Sue: Booth / Ebay, Inc.

Dear Complainant or Complainant's Attorney:

Attached is a copy of your complaint of discrimination filed with the Department of Fair Employment and Housing (DFEH) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue. Pursuant to Government Code section 12962, DFEH will not serve these documents on the employer. You or your attorney must serve the complaint. If you do not have an attorney, you must serve the complaint yourself. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California.

Be advised that the DFEH does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Department of Fair Employment and Housing



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 | TDD 800-700-2320
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

DIRECTOR KEVIN KISH

July 21, 2015

RE: Notice of Filing of Discrimination Complaint
DFEH Matter Number: 609703-170815
Right to Sue: Booth / Ebay, Inc.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Department of Fair Employment and Housing (DFEH) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. This case is not being investigated by DFEH and is being closed immediately. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to DFEH is requested or required.

Sincerely,

Department of Fair Employment and Housing



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 | TDD 800-700-2320
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

DIRECTOR KEVIN KISH

July 21, 2015

George Booth
1048 Empey Way
San Jose California 95128

RE: Notice of Case Closure and Right to Sue
DFEH Matter Number: 609703-170815
Right to Sue: Booth / Ebay, Inc.

Dear George Booth,

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective July 21, 2015 because an immediate Right to Sue notice was requested. DFEH will take no further action on the complaint.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

To obtain a federal Right to Sue notice, you must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this DFEH Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Department of Fair Employment and Housing



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

GOVERNOR EDMLIND G. BROWN JR.

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 | TDD 800-700-2320
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

DIRECTOR KEVIN KISH

Enclosures

cc: Jim Fussel

1 **COMPLAINT OF EMPLOYMENT DISCRIMINATION**

2 **BEFORE THE STATE OF CALIFORNIA**

3 **DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**

4 **Under the California Fair Employment and Housing Act**

5 **(Gov. Code, § 12900 et seq.)**

6 In the Matter of the Complaint of
7 George Booth, Complainant.
8 1048 Empey Way
9 San Jose California 95128

DFEH No. 609703-170815

9 vs.

10 Ebay, Inc., Respondent.
11 2211 North First Street
12 San Jose, California 95131

13
14 **Complainant alleges:**

15 1. Respondent **Ebay, Inc.** is a subject to suit under the California Fair Employment and Housing Act (FEHA)
16 (Gov. Code, § 12900 et seq.). Complainant believes respondent is subject to the FEHA.

17 2. On or around **May 14, 2015**, complainant alleges that respondent took the following adverse actions against
18 complainant: **Discrimination, Harassment, Retaliation Asked impermissible non-job-related questions,**
19 **Demoted, Denied a good faith interactive process, Denied a work environment free of discrimination**
20 **and/or retaliation, Denied continuation of employer-paid health care coverage while on pregnancy**
21 **disability leave, Denied employment, Denied equal pay, Denied family care or medical leave, Denied or**
22 **forced to transfer, Denied pregnancy leave, Denied promotion, Denied reasonable accommodation,**
Denied reinstatement, Denied the right to wear pants, Forced to quit, Laid-off, Terminated, Tested for
genetic characteristics, Other, as revealed during discovery. Complainant believes respondent committed
these actions because of their: **Age - 40 and over, Ancestry, Association with a member of a protected class,**
Color, Disability, Engagement in Protected Activity, Family Care or Medical Leave, Genetic Information
or Characteristics, Marital Status, Medical Condition - including Cancer, National Origin - including
language use restrictions, Race, Religion, Sex- Gender, Sex - Gender identity or Gender expression, Sex -
Pregnancy, Sexual Orientation, Other as revealed during discovery.

3. Complainant **George Booth** resides in the City of **San Jose**, State of **California**. If complaint includes co-
respondents please see below.

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Co-Respondents:

Jim Fassel

2211 North First Street
San Jose California 95131

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Additional Complaint Details:

The following is alleged on information and belief: Mr. Booth was the oldest member of the Respondent security team. Mr. Booth was originally hired on or around June 2, 1999. At the time of his termination he was a member of several protected classes, including but not limited to, age, disability, medical condition and gender. Starting in September to October 2014, a younger male in his 40s became Mr. Booths supervisor. This new supervisor, Jim Fussel, removed two of Mr. Booths major job responsibilities and re-assigned those responsibilities to a younger male, Oscar Carraco. Other individuals in similar roles to Mr. Booth, but not in protected classes, did not have their duties removed or re-assigned. On or around May 11, 2015, Mr. Booth suffered a critical medical condition that prevented him from going to work. He notified Respondent on the same day of his condition. On May 13, 2015, Respondent contacted me while I was on medical leave, and told me to come into work on the next day. On May 14, 2015, Respondent terminated me for allegedly using a derogatory name in referring to a co-worker. Mr. Booth is aware that Mr. Fussel conducted the investigation, but he never interviewed Mr. Booth about the allegation. Mr. Booth is also aware that other employees, including Mr. Fussel, committed the same acts alleged against Mr. Booth, but were not terminated and were not even disciplined.

1 **VERIFICATION**

2 I, **Chris Adishian**, am the Attorney for Complainant in the above-entitled complaint. I have read the foregoing
3 complaint and know the contents thereof. The same is true of my own knowledge, except as to those matters
4 which are therein alleged on information and belief, and as to those matters, I believe it to be true.

5 On July 21, 2015, I declare under penalty of perjury under the laws of the State of California that the foregoing
6 is true and correct.

7 **El Segundo, California**
8 **Chris Adishian**

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EXHIBIT 2



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 | TDD 800-700-2320
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

DIRECTOR KEVIN KISH

AMENDED

July 21, 2015

Chris Adishian
222 N. Sepulveda Blvd., Ste. 2000
El Segundo California 90245

RE: Notice to Complainant or Complainant's Attorney
DFEH Matter Number: 609703-170815-R
Right to Sue: Booth / Ebay, Inc.

Dear Complainant or Complainant's Attorney:

Attached is a copy of your complaint of discrimination filed with the Department of Fair Employment and Housing (DFEH) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue. Pursuant to Government Code section 12962, DFEH will not serve these documents on the employer. You or your attorney must serve the complaint. If you do not have an attorney, you must serve the complaint yourself. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California.

Be advised that the DFEH does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Department of Fair Employment and Housing



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 | TDD 800-700-2320
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

DIRECTOR KEVIN KISH

AMENDED

July 21, 2015

RE: Notice of Filing of Discrimination Complaint

DFEH Matter Number: 609703-170815-R

Right to Sue: Booth / Ebay, Inc.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Department of Fair Employment and Housing (DFEH) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. This case is not being investigated by DFEH and is being closed immediately. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to DFEH is requested or required.

Sincerely,

Department of Fair Employment and Housing



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 | TDD 800-700-2320
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

DIRECTOR KEVIN KISH

AMENDED

July 21, 2015

George Booth
1048 Empey Way
San Jose California 95128

RE: Notice of Case Closure and Right to Sue
DFEH Matter Number: 609703-170815-R
Right to Sue: Booth / Ebay, Inc.

Dear George Booth,

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective July 21, 2015 because an immediate Right to Sue notice was requested. DFEH will take no further action on the complaint.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

To obtain a federal Right to Sue notice, you must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this DFEH Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Department of Fair Employment and Housing



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

GOVERNOR EDMUND G. BROWN JR.

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

DIRECTOR KEVIN KISH

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 | TDD 800-700-2320
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

AMENDED

Enclosures

cc: Jim Fussel

Paypal, Inc.

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Co-Respondents:

Jim Fussel

2211 North First Street
San Jose California 95131

Paypal, Inc.

2211 North First Street
San Jose California 95131

Date Filed: July 21, 2015

Date Amended: November 09, 2015

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Additional Complaint Details:

The following is alleged on information and belief: Mr. Booth was the oldest member of the Respondents security team. Mr. Booth was originally hired on or around June 2, 1999. At the time of his termination he was a member of several protected classes, including but not limited to, age, disability, medical condition and gender. Starting in September to October 2014, a younger male in his 40s became Mr. Booths supervisor. This new supervisor, Jim Fussel, removed two of Mr. Booths major job responsibilities and re-assigned those responsibilities to a younger male, Oscar Carraco. Other individuals in similar roles to Mr. Booth, but not in protected classes, did not have their duties removed or re-assigned. On or around May 11, 2015, Mr. Booth suffered a critical medical condition that prevented him from going to work. He notified Respondents on the same day of his condition. On May 13, 2015, Respondents contacted me while I was on medical leave, and told me to come into work on the next day. On May 14, 2015, Respondents terminated him for allegedly using a derogatory name in referring to a co-worker. Mr. Booth is aware that Mr. Fussel conducted the investigation, but he never interviewed Mr. Booth about the allegation. Mr. Booth is also aware that other employees, including Mr. Fussel, committed the same acts alleged against Mr. Booth, but were not terminated and were not even disciplined.

1 VERIFICATION

2 I, **Chris Adishian**, am the Attorney for Complainant in the above-entitled complaint. I have read the foregoing
3 complaint and know the contents thereof. The same is true of my own knowledge, except as to those matters
4 which are therein alleged on information and belief, and as to those matters, I believe it to be true.

5 On July 21, 2015, I declare under penalty of perjury under the laws of the State of California that the foregoing
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7 **El Segundo, California**
8 **Chris Adishian**
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EXHIBIT 3



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 | TDD 800-700-2320
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

DIRECTOR KEVIN KISH

AMENDED

July 21, 2015

Chris Adishian
222 N. Sepulveda Blvd., Ste. 2000
El Segundo California 90245

RE: Notice to Complainant or Complainant's Attorney
DFEH Matter Number: 609703-170815-R
Right to Sue: Booth / Ebay, Inc.

Dear Complainant or Complainant's Attorney:

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Sincerely,

Department of Fair Employment and Housing



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

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800-884-1684 | TDD 800-700-2320
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

DIRECTOR KEVIN KISH

AMENDED

July 21, 2015

RE: Notice of Filing of Discrimination Complaint
DFEH Matter Number: 609703-170815-R
Right to Sue: Booth / Ebay, Inc.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Department of Fair Employment and Housing (DFEH) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. This case is not being investigated by DFEH and is being closed immediately. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to DFEH is requested or required.

Sincerely,

Department of Fair Employment and Housing



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800-884-1684 | TDD 800-700-2320
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

DIRECTOR KEVIN KISH

AMENDED

July 21, 2015

George Booth
1048 Empey Way
San Jose California 95128

RE: Notice of Case Closure and Right to Sue
DFEH Matter Number: 609703-170815-R
Right to Sue: Booth / Ebay, Inc.

Dear George Booth,

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective July 21, 2015 because an immediate Right to Sue notice was requested. DFEH will take no further action on the complaint.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

To obtain a federal Right to Sue notice, you must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this DFEH Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Department of Fair Employment and Housing



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

GOVERNOR EDMUND G. BROWN, JR.

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758

800-884-1684 | TDD 800-700-2320

www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

DIRECTOR KEVIN KISH

AMENDED

Enclosures

cc: Paypal Holdings, Inc.

Jim Fussel

Paypal, Inc.

1 **COMPLAINT OF EMPLOYMENT DISCRIMINATION**

2 **BEFORE THE STATE OF CALIFORNIA**

3 **DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**

4 **Under the California Fair Employment and Housing Act**

5 **(Gov. Code, § 12900 et seq.)**

6 In the Matter of the Complaint of
7 George Booth, Complainant.
8 1048 Empey Way
9 San Jose California 95128

DFEH No. 609703-170815-R

9 vs.

10 Ebay, Inc., Respondent.
11 2065 Hamilton Avenue
12 San Jose, California 95131

13
14 **Complainant alleges:**

15 1. Respondent **Ebay, Inc.** is a subject to suit under the California Fair Employment and Housing Act (FEHA)
16 (Gov. Code, § 12900 et seq.). Complainant believes respondent is subject to the FEHA.

17 2. On or around **May 14, 2015**, complainant alleges that respondent took the following adverse actions against
18 complainant: **Discrimination, Harassment, Retaliation Asked impermissible non-job-related questions,**
19 **Demoted, Denied a good faith interactive process, Denied a work environment free of discrimination**
20 **and/or retaliation, Denied continuation of employer-paid health care coverage while on pregnancy**
21 **disability leave, Denied employment, Denied equal pay, Denied family care or medical leave, Denied or**
22 **forced to transfer, Denied pregnancy leave, Denied promotion, Denied reasonable accommodation,**
Denied reinstatement, Denied the right to wear pants, Forced to quit, Laid-off, Terminated, Tested for
genetic characteristics, Other, as revealed during discovery. Complainant believes respondent committed
these actions because of their: **Age - 40 and over, Ancestry, Association with a member of a protected class,**
Color, Disability, Engagement in Protected Activity, Family Care or Medical Leave, Genetic Information
or Characteristics, Marital Status, Medical Condition - including Cancer, National Origin - including
language use restrictions, Race, Religion, Sex- Gender, Sex - Gender identity or Gender expression, Sex -
Pregnancy, Sexual Orientation, Other as revealed during discovery.

3. Complainant **George Booth** resides in the City of **San Jose**, State of **California**. If complaint includes co-respondents please see below.

-5-

Complaint - DFEH No. 609703-170815-R

Date Filed: July 21, 2015

Date Amended: November 24, 2015

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Co-Respondents:

Paypal Holdings, Inc.

2211 North First Street
San Jose California 95131

Jim Fussel

2211 North First Street
San Jose California 95131

Paypal, Inc.

2211 North First Street
San Jose California 95131

Date Filed: July 21, 2015

Date Amended: November 24, 2015

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Additional Complaint Details:

The following is alleged on information and belief: Mr. Booth was the oldest member of the Respondents security team. Mr. Booth was originally hired on or around June 2, 1999. At the time of his termination he was a member of several protected classes, including but not limited to, age, disability, medical condition and gender. Starting in September to October 2014, a younger male in his 40s became Mr. Booths supervisor. This new supervisor, Jim Fussel, removed two of Mr. Booths major job responsibilities and re-assigned those responsibilities to a younger male, Oscar Carraco. Other individuals in similar roles to Mr. Booth, but not in protected classes, did not have their duties removed or re-assigned. On or around May 11, 2015, Mr. Booth suffered a critical medical condition that prevented him from going to work. He notified Respondents on the same day of his condition. On May 13, 2015, Respondents contacted me while I was on medical leave, and told me to come into work on the next day. On May 14, 2015, Respondents terminated him for allegedly using a derogatory name in referring to a co-worker. Mr. Booth is aware that Mr. Fussel conducted the investigation, but he never interviewed Mr. Booth about the allegation. Mr. Booth is also aware that other employees, including Mr. Fussel, committed the same acts alleged against Mr. Booth, but were not terminated and were not even disciplined.

1 **VERIFICATION**

2 **I, Chris Adishian**, am the Attorney for Complainant in the above-entitled complaint. I have read the foregoing
3 complaint and know the contents thereof. The same is true of my own knowledge, except as to those matters
4 which are therein alleged on information and belief, and as to those matters, I believe it to be true.

5 On July 21, 2015, I declare under penalty of perjury under the laws of the State of California that the foregoing
6 is true and correct.

7 **El Segundo, California**
8 **Chris Adishian**

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ADISHIAN LAW GROUP, P.C.

1 Case Name: Booth v. eBay, Inc.
2 Case Number: DFEH Matter Number: 609703-170815-R

3 **PROOF OF SERVICE**

4 I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party
5 to the within action. My business address is ADISHIAN LAW GROUP, P.C., Pacific Corporate Towers, 222 N.
6 Sepulveda Blvd., Ste. 2000, El Segundo, California 90245. On November 25, 2015, I served the following
7 document(s):

8 **AMENDED NOTICE OF CASE CLOSURE AND RIGHT TO SUE**

9 on the interested parties in this action as follows:

10 Ebay, Inc.
11 CT Corporation System
12 818 West 7th Street
13 Suite 930
14 Los Angeles, California 90017

10 Paypal, Inc.
11 CT Corporation System
12 818 West 7th Street
13 Suite 930
14 Los Angeles, California 90017

10 Paypal, Inc.
11 2211 North First Street
12 San Jose, California 95131

11 Paypal Holdings, Inc.
12 2211 North First Street
13 San Jose, California 95131

11 Jim Fussell
12 c/o Paypal, Inc./Ebay, Inc.
13 2211 North First Street
14 San Jose, California 95131

11 Ebay, Inc.
12 Respondent
13 2065 Hamilton Avenue
14 San Jose, California 95131

14 (X) **BY UNITED STATES MAIL.** I enclosed the documents in a sealed envelope or package addressed to the
15 persons at the addresses listed above.

16 (X) placed the envelope for collection and mailing, following our ordinary business practices. I am
17 readily familiar with the firm's practice of collection and processing correspondence for mailing. Under
18 that practice it would be deposited with U.S. postal service on that same day with postage thereon fully
19 prepaid at El Segundo, California in the ordinary course of business.

20 () **BY E-MAIL OR ELECTRONIC TRANSMISSION.** I caused the documents described above to be sent to
21 the persons at the e-mail addresses listed above. I did not receive, within a reasonable time after the transmission,
22 any electronic message or other indication that the transmission was unsuccessful.

21 
22 Jessica G. Mata