

1
2
3 IN THE CIRCUIT COURT FOR THE STATE OF OREGON
4 FOR MULTNOMAH COUNTY
5
6

7
8 **BRITT STORKSON,**

9 Plaintiff,

10
11 v.

12 **GOOGLE LLC,**

13 Defendant.
14
15

Case No.

COMPLAINT

Discrimination
Retaliation

Amount in Controversy: \$400,000

Fee Authority: ORS 21.160(1)(c)

Filing Fee: \$531

Jury Trial Requested

Not Subject to Mandatory Arbitration

16
17 1.

18 **JURISDICTION AND THE PARTIES**

19 Plaintiff Britt Storkson is a natural person and a citizen of Oregon.

20 2.

21 Defendant Google LLC (Google) is a limited liability company registered in
22 Delaware and a citizen of California. Google was Mr. Storkson's employer and
23 conducted regular and sustained business in Multnomah County, Oregon. Mr.
24 Storkson was supervised by Google employee agents and Mr. Storkson relied on the
25 actual or apparent authority of Google's employee agents, supervisors, and
26 management. Google's employee agents, supervisors, and management were
27 motivated, at least in part, by a purpose to serve Google.
28

1
2 3.

3 **FACTUAL ALLEGATIONS**

4 This complaint's allegations are based on personal knowledge as to Mr.
5 Storkson's own behavior and made upon information and belief as to the behavior of
6 others.
7

8 4.

9 Google owns and operates a large data center near Portland, Oregon and has
10 more than 100 employees. Mr. Storkson began working for Google on or around May
11 12, 2014. Mr. Storkson was a successful associate data center facilities technician at
12 Google. Mr. Storkson regularly met or exceeded expectations during his performance
13 reviews and received regular pay raises.
14
15

16 5.

17 In the spring of 2018, on at least one occasion, a supervisor at Google showed
18 up so drunk that he barged into a business meeting and was unable to speak
19 coherently. In the summer of 2016, on at least one occasion, Mr. Storkson witnessed
20 Google management openly discussing explicit sexual activities, like how to use a
21 goatee to tickle male genitals during fellatio. In the fall of 2017, on at least one
22 occasion, one of Mr. Storkson's co-workers brought a sex toy to the workplace and
23 said he was delivering it to another co-worker. In January of 2016, on at least one
24 occasion, Mr. Storkson witnessed a Google supervisor unzip his pants in front of him
25 while the two were alone in a meeting room. From then on, whenever possible Mr.
26
27
28

1
2 Storkson would schedule meetings in glassed-in rooms so anyone walking by could
3 see what was happening inside.

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

6.

Mr. Storkson is old school – he doesn't engage in sexual discussions at work, and he treats all employees with respect, regardless of their sexual orientation. When Mr. Storkson refused to go along with what he perceived as an illegal workplace environment, Google management retaliated by berating him, setting him up to fail, and giving him negative evaluations. In April 2018, Mr. Storkson formally complained to Google executives in writing about the illegal harassment and retaliation he experienced. Mr. Storkson's complaint claimed that the behavior of Google management violated state and federal law and requested an independent review.

7.

Google refused Mr. Storkson's request for an independent review. Instead, Google turned a blind eye to Mr. Storkson's complaints and retaliated against him by terminating his employment on June 14, 2018. The day before Mr. Storkson was terminated, he was told by Google human resources that one of his sexual harassment complaints was not credible for the sole reason that the offender was straight.

1
2 8.

3 **CLAIMS FOR RELIEF**

4 **Claim One**
5 **Retaliation – ORS 659A.199**
6 **(Mr. Storkson against Google)**

7
8 Google’s behavior and choices as alleged in this complaint violated ORS
9 659A.199 and harmed Mr. Storkson because Google retaliated against him in the
10 terms and conditions of his employment, and terminated him in substantial part
11 because he opposed and reported in good faith information he believed to be evidence
12 of a violation of state and federal law.
13

14 9.

15 As a direct and proximate result of Google’s violation of ORS 659A.199, Mr.
16 Storkson has suffered and will continue to suffer economic losses and severe ongoing
17 emotional and mental harm in an amount to be decided by the jury at trial not to
18 exceed \$400,000. Google’s behavior as alleged in this complaint was malicious.
19 Accordingly, Mr. Storkson intends to amend his complaint to include a claim for
20 punitive damages against Google. Under ORS 20.107 and ORS 659A.885, Mr.
21 Storkson is entitled to reimbursed expenses, fees, and costs. Mr. Storkson also seeks
22 equitable and injunctive relief including an order reinstating his employment with
23 Google and an injunction stopping Google from engaging in any employment practice
24 which retaliates or discriminates on the bases alleged in this complaint.
25
26
27
28

1
2 10.

3 **Claim Two**
4 **Discrimination – ORS 659A.030**
5 **(Mr. Storkson against Google)**

6 Google’s behavior and choices as alleged in this complaint violated ORS
7 659A.030 and harmed Mr. Storkson because Google treated Mr. Storkson adversely
8 with respect to compensation and other terms of employment, and ultimately
9 terminated Mr. Storkson, and Mr. Storkson’s sexual orientation and opposition to
10 and complaints of illegal sexual harassment and retaliation were substantial factors
11 in Google’s adverse treatment.
12
13

14 11.

15 Mr. Storkson re-alleges his request for equitable and injunctive relief and fair
16 compensation and reimbursed expenses, fees, and costs against Google.
17

18 12.

19 **Claim Three**
20 **Wrongful Termination in Violation of Public Policy**
21 **(Mr. Storkson against Google)**

22 The public policy of Oregon prohibits a corporation from retaliating and
23 discriminating against an employee in the terms and conditions of their employment
24 for opposing unlawful practices. The public policy of Oregon also prohibits a
25 corporation from retaliating and discriminating against an employee in the terms
26 and conditions of their employment because of the employee’s sexual orientation, or
27 because of what the employee perceived as an illegal workplace environment. This
28

1
2 public policy is found in the common law, statutes, and regulations of the State of
3 Oregon and the United States including, but not limited to ORS 659A.199, OAR 839-
4 010-0000 *et seq.*, ORS 654.062, and OAR 839-004-0000 *et seq.*
5

6 13.

7 As alleged in this complaint, Google, acting through its agents and employees,
8 violated these public policies by discriminating and retaliating against Mr. Storkson,
9 causing harm to Mr. Storkson. Mr. Storkson re-alleges his request for equitable and
10 injunctive relief and fair compensation and reimbursed expenses, fees, and costs
11 against Google.
12

13 14.

14
15 **REQUEST FOR JURY TRIAL**

16 Mr. Storkson requests a trial by a jury of his peers.
17
18
19
20
21
22
23
24
25
26
27
28

1
2 15.

3 **PRAYER FOR RELIEF**

4 Mr. Storkson respectfully requests orders and judgments in his favor against
5 Google for equitable and injunctive relief, including an order reinstating his
6 employment at Google, and for reimbursed expenses, fees, costs, pre and post
7 judgment interest, and fair compensation not to exceed \$400,000.
8

9
10 September 25, 2018

11 **RESPECTFULLY FILED,**

12 /s/ Michael Fuller

13 **Michael Fuller, OSB No. 09357**

14 Lead Trial Attorney for Mr. Storkson

15 OlsenDaines

16 US Bancorp Tower

17 111 SW 5th Ave., Suite 3150

18 Portland, Oregon 97204

19 michael@underdoglawyer.com

20 Direct 503-743-7000

21 **Kelly Jones, OSB No. 074217**

22 Of Attorneys for Mr. Storkson

23 The Law Office of Kelly Jones

24 kellydonovanjones@gmail.com