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8 Attorney for Plaintiff Jonathan Correll and the Proposed Classes

9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11 JONATHAN CORRELL, on behalf of
12 himself and all others similarly situated,

13 Plaintiff,

14 v.

15 AMAZON.COM, INC., and DOES 1-10,
16

17 Defendant.
18
19

Case No. '21CV1833 BTM MDD

**COMPLAINT FOR INJUNCTIVE
RELIEF AND DAMAGES FOR:**

**Violation of California Civil Code
Sections 51 and 51.5**

CLASS ACTION

20 Plaintiff Jonathan Correll, on behalf of himself and all others similarly situated,
21 brings the following allegations against Defendant Amazon.com, Inc. (“Amazon”):

22 **NATURE AND BASIS OF UNEQUAL TREATMENT AND**
23 **DISCRIMINATION CLAIMS**

24 1. If Amazon created a situation where buyers could log into their accounts
25 and check a few boxes so products sold by heterosexual White males were highlighted
26 and appeared at the top of the buyers’ search results, there would be cries of
27 homophobia, racism, and sexism. And it would be just as heterophobic, racist, and
28 sexist if the situation were reversed and buyers could check a few boxes so their search

1 results highlighted and preferred products sold by everyone except straight White male
2 sellers. But this is exactly what Amazon has been brazenly and unabashedly doing for
3 some time.

4 2. If Amazon had entire sections of its website devoted to showcasing,
5 promoting, and increasing the visibility of straight White male sellers, the general
6 public, especially equal rights activists, would not merely bristle with indignation, they
7 would be up in arms, and rightfully so. And it would be just as abhorrent if the situation
8 were reversed and Amazon had entire sections of its website devoted to showcasing,
9 promoting, and increasing the visibility of everyone except straight White male sellers.
10 Yet Amazon has actually been openly and proudly doing the latter now for at least
11 several months.

12 3. If Amazon created programs that gave financial assistance, mentorship,
13 and marketing and promotional support to only straight White male sellers, the general
14 public, especially equal rights advocates, would be furious, and understandably so. And
15 it would be just as infuriatingly racist to give financial assistance, mentorship, and
16 marketing and promotional support to sellers of only one race and not the others. Yet
17 Amazon has been openly and proudly doing that too.

18 4. And all women, including transgender women, as well as non-binary
19 persons wanting to sell their products on Amazon, would be justifiably offended if
20 Amazon only created sections of its website devoted to promoting products sold
21 exclusively by male sellers. But Amazon created sections of its website devoted to
22 promoting products sold exclusively by female sellers, which is just as offensive to
23 male, including transgender male, and non-binary sellers.

24 5. Amazon has blatantly created, advertised, marketed, and employed several
25 race-, sex-, and LGBT status-based policies and programs for its website that entice,
26 steer, and direct consumers away from Amazon's disfavored sellers who are, or who
27 are majority-owned by, heterosexual people, White people, and males (but especially
28 heterosexual White males), and towards Amazon's preferred and privileged sellers who

1 are LGBT, Black, Hispanic, Asian-American, Native American, Pacific Islander
2 American, and/or female.

3 6. Amazon’s sexist policies and programs deny full and equal
4 accommodations, advantages, facilities, privileges, or services to sellers who
5 unfortunately are male, non-binary, or transgender men. For example, on the Main
6 Menu of Amazon’s home page, under Programs & Features, Small & Medium
7 Businesses, Amazon created a link for customers called “Discover Women-Owned
8 Businesses.” [Exh. 1.] This Amazon link takes the user to a page that showcases sellers
9 who are, or seller entities majority-owned by, women. [Exh. 2.] Amazon created this
10 separate page to cater to the preferences of customers who want to do business with
11 only women and not with men, non-binary persons, or transgender men. Amazon does
12 not provide a link for the consumers – whether they be male, female, or non-binary – to
13 discover Amazon’s disfavored male, non-binary, or transgender male sellers. A
14 webpage that promotes, highlights, showcases, or otherwise increases the visibility of
15 sellers and their products based solely on their female sex denies equal
16 accommodations, advantages, facilities, privileges, or services to non-female sellers, or
17 at least aids in the boycotting, blacklisting, refusal to buy from, or refusal to contract or
18 trade with, any person who is not female, is sexist. And such a sex-based business
19 practice is contrary to the State of California’s strong public policy to eradicate sex
20 discrimination, partly evidenced in the State’s many anti-discrimination statutes,
21 including California Civil Code sections 51 (the codification of the Unruh Civil Rights
22 Act) and 51.5, violations of which are alleged in this Complaint.

23 7. From Amazon’s Discover Women-Owned Businesses page, a user can
24 select “Meet the Business Owners,” which then gives the user the option to select
25 “Black-Owned.” [Exh. 3.] This takes the user to a page that reads “Shop products from
26 Black-owned small businesses” and lists countless thousands of consumer products –
27 everything from shower curtains and cell phone chargers to exercise equipment and
28 bottled water – all of which are sold exclusively by sellers Amazon has determined are

1 Black. [Exh. 4, [https://www.amazon.com/gcx/Black-Owned-Small-](https://www.amazon.com/gcx/Black-Owned-Small-Businesses/gfhz/events/ref=s9_acss_bw_cg_SBP_2d1_w?categoryId=small-business-event&ref=sbp_01_bhm_bblcat_bo&pf_rd_m=ATVPDKIKX0DER&pf_rd_s=mercha)
2 [Businesses/gfhz/events/ref=s9_acss_bw_cg_SBP_2d1_w?categoryId=small-business-](https://www.amazon.com/gcx/Black-Owned-Small-Businesses/gfhz/events/ref=s9_acss_bw_cg_SBP_2d1_w?categoryId=small-business-event&ref=sbp_01_bhm_bblcat_bo&pf_rd_m=ATVPDKIKX0DER&pf_rd_s=mercha)
3 [event&ref=sbp_01_bhm_bblcat_bo&pf_rd_m=ATVPDKIKX0DER&pf_rd_s=mercha](https://www.amazon.com/gcx/Black-Owned-Small-Businesses/gfhz/events/ref=s9_acss_bw_cg_SBP_2d1_w?categoryId=small-business-event&ref=sbp_01_bhm_bblcat_bo&pf_rd_m=ATVPDKIKX0DER&pf_rd_s=mercha)
4 [ndised-search-](https://www.amazon.com/gcx/Black-Owned-Small-Businesses/gfhz/events/ref=s9_acss_bw_cg_SBP_2d1_w?categoryId=small-business-event&ref=sbp_01_bhm_bblcat_bo&pf_rd_m=ATVPDKIKX0DER&pf_rd_s=mercha)
5 [5&pf_rd_r=S9JGQFRAZ2050D8HPECQ&pf_rd_t=101&pf_rd_p=aa3bd0fb-e290-](https://www.amazon.com/gcx/Black-Owned-Small-Businesses/gfhz/events/ref=s9_acss_bw_cg_SBP_2d1_w?categoryId=small-business-event&ref=sbp_01_bhm_bblcat_bo&pf_rd_m=ATVPDKIKX0DER&pf_rd_s=mercha)
6 [424c-b8c7-923080100086&pf_rd_i=21429428011](https://www.amazon.com/gcx/Black-Owned-Small-Businesses/gfhz/events/ref=s9_acss_bw_cg_SBP_2d1_w?categoryId=small-business-event&ref=sbp_01_bhm_bblcat_bo&pf_rd_m=ATVPDKIKX0DER&pf_rd_s=mercha), last visited October 19, 2021.] On

7 the “Meet the Business Owners” page, there are no links to products listed for sale by
8 sellers of any other races. A webpage that promotes, highlights, showcases, or
9 otherwise increases the visibility of sellers and their products based solely on their race,
10 and denies equal accommodations, advantages, facilities, privileges, or services to
11 members of other races, is racist and violates California Civil Code sections 51 and 51.5

12 8. Amazon has a section of its website called “Minority Report.” [Exh. 5,
13 [amazon.com/shop/minorityreporttvshow](https://www.amazon.com/shop/minorityreporttvshow), last visited October 19, 2021.] It features on
14 an ongoing basis a list of thousands of consumer products being sold on Amazon by
15 Black-owned businesses. On this “Minority Report” section of Amazon’s website, there
16 are several subcategories: Men’s Clothing, Women’s Clothing, skin care, etc. Two of
17 the subcategories are titled “Misc. BOB [‘Black Owned Business’] Products” and “Buy
18 Black,” pages that list everything from cosmetics and candles, to supplements, tea,
19 books, food, kitchenware, toothpaste, and jewelry, all sold exclusively by Black sellers.
20 [Exh. 6.] There is no equal webpage, section of Amazon’s website, or program for
21 sellers of other racial groups, i.e., there is no “Buy Latinx,” “Buy Native American,”
22 “Buy Asian,” or “Buy Caucasian” page. A webpage that promotes, highlights,
23 showcases, or otherwise increases the visibility of sellers and their products based solely
24 on their race, and denies equal accommodations, advantages, facilities, privileges, or
25 services to members of every other race, is racist and violates California Civil Code
26 sections 51 and 51.5.

27 9. Amazon has an additional “Buy Black” page on its website. [Exh. 7,
28 <https://www.amazon.com/gcx/Buy-Black:-Black-History->

1 [Month/gfhz/events/ref=sxsts_snps_0_0_230b70e9-0194-444e-8905-465dd16645a2?ots=1&slotNum=0&imprToken=ecbe4dbe-e8bb-91a9-64d&tag=advancesilive-20&linkCode=w50&categoryId=black-history-month&pd_rd_r=52aa315c-a98a-40a9-af96-05e170e76f17&pd_rd_w=wS5dI&pd_rd_wg=8Wd2S&pf_rd_p=230b70e9-0194-444e-8905-465dd16645a2&pf_rd_r=NQPN6BSRDEN3ZK63C91S&qid=1613594222&scrollState=eyJpdGVtSW5kZXgiOjAsInNjcm9sbE9mZnNldCI6NTk3LjM1OTM3NX0%3D§ionManagerState=eyJzZWV0aW9uVHlwZUVuZEluZGV4Ijp7fX0%3D](https://www.amazon.com/Black-Business-Accelerator?ref=sxsts_snps_0_0_230b70e9-0194-444e-8905-465dd16645a2?ots=1&slotNum=0&imprToken=ecbe4dbe-e8bb-91a9-64d&tag=advancesilive-20&linkCode=w50&categoryId=black-history-month&pd_rd_r=52aa315c-a98a-40a9-af96-05e170e76f17&pd_rd_w=wS5dI&pd_rd_wg=8Wd2S&pf_rd_p=230b70e9-0194-444e-8905-465dd16645a2&pf_rd_r=NQPN6BSRDEN3ZK63C91S&qid=1613594222&scrollState=eyJpdGVtSW5kZXgiOjAsInNjcm9sbE9mZnNldCI6NTk3LjM1OTM3NX0%3D§ionManagerState=eyJzZWV0aW9uVHlwZUVuZEluZGV4Ijp7fX0%3D), last

10 visited October 19, 2021.] Amazon initiated this “Buy Black” campaign during Black History Month in February 2021 and the page has remained active months later, into at least October 2021. This “Buy Black” page on Amazon’s website lists thousands of consumer products such as tea, HDMI cables, cloth face masks, and shoelaces, sold exclusively by Black sellers. There is no equal webpage, section of Amazon’s website, or program for sellers of other racial groups, i.e., there is no “Buy Latinx,” “Buy Native American,” “Buy Asian,” or “Buy Caucasian” page. A webpage that promotes, highlights, showcases, or otherwise increases the visibility of sellers and their products based solely on their race, and denies equal accommodations, advantages, facilities, privileges, or services to members of every other race, is racist and violates California Civil Code sections 51 and 51.5.

21 10. Perhaps the most brazen example of Amazon’s racist programs is Amazon’s Black Business Accelerator program. [Exh. 8, <https://sell.amazon.com/programs/black-business-accelerator>, last visited October 19, 2021.] The program offers valuable business benefits to only Black sellers - no matter their wealth or success in business - and is advertised as follows:

26 **Financial assistance**

27 Access services and grants to help jump-start business growth and customer acquisition. Opportunities include:

- 1 • **\$500** credit to assist with start-up and operational costs for eligible
2 newly-launched sellers.
- 3 • **\$400** in Sponsored Products advertising credits to increase exposure for
4 your business.
- 5 • **FREE** imaging services for up to 50 products to help showcase your
6 products.
- 7 • **Cash grant opportunities** for select sellers, offered in partnership with
8 Hello Alice, an organization dedicated to helping entrepreneurs launch
9 and grow their businesses. Sign up for alerts.

10 **Business education & mentorship**

11 Access a minimum of one year of strategic advisory services to get the
12 coaching, training, and insights you need to take your business to the next level.
13 Connect with a dedicated network of business mentors, including Amazon
14 experts and small business thought leaders, to continue to accelerate your
15 business growth.

16 **Marketing & promotional support**

17 Access new opportunities to be featured in the Black-owned business
18 storefronts for Amazon retail customers and Amazon Business customers and
19 promotions featuring Black-owned businesses that will help customers find
20 products from your business throughout the shopping experience.

21 **Who can sign up for Amazon's Black Business Accelerator?**

22 All sellers in the U.S. who a) have an Amazon Professional Sellers account, b)
23 have a physical product(s) ready to promote and sell, and c) have uploaded a
24 valid minority-owned business registration or certification to their account in
25 Seller Central from the National Minority Supplier Development Council, U.S.
26 System for Award Management, U.S. Small Business Administration,
27 or Supplier GATEWAY, demonstrating the business is Black-owned based on
28 the criteria of the certifying body, can sign up for Amazon's Black Business
Accelerator.

29 These accommodations, advantages, facilities, privileges, or services are not available
30 to sellers who are members of other races. In fact, Amazon openly prohibits sellers of

1 other racial groups, such as Hispanics, Asians, American Indians, or Caucasians from
2 even applying for Amazon’s exclusive Black Business Accelerator. A program that
3 provides financial assistance, business education and mentorship, and marketing and
4 promotional support to sellers of one race, and denies equal accommodations,
5 advantages, facilities, privileges, or services to members of every other race, is racist
6 and violates California Civil Code sections 51 and 51.5.

7 11. In apparent temporary recognition of Hispanic Heritage Month from
8 September 15-October 15, 2021, Amazon placed a link titled “A Hispanic Celebration”
9 on its homepage in the upper right-hand corner. [Exh. 9.] That link takes the user to a
10 page where the headline reads “Shop Hispanic & Latino Goods; Choose from a
11 selection of top sellers and Hispanic-owned brands.” The page contains countless
12 thousands of consumer products such as hair conditioner, wine glasses, nail polish, and
13 Frito-Lay chips, all of which are sold exclusively by sellers Amazon has determined are
14 Hispanic. The products are not listed on this page because the nature of the products
15 are inherently Hispanic, e.g. items that would be found in the Hispanic foods section at
16 a supermarket, but instead are listed on this page solely because of the race of the sellers.
17 There are no links on this webpage to products listed for sale by sellers who are
18 members of any other races, such as Blacks, Asians, American Indians, or Caucasians.
19 A webpage that promotes, highlights, showcases, or otherwise increases the visibility
20 of sellers and their products based solely on their race, and denies equal
21 accommodations, advantages, facilities, privileges, or services to members of every
22 other race, is racist and violates California Civil Code sections 51 and 51.5.

23 12. Amazon reserves its worst discrimination and distaste for heterosexual
24 White males. This, despite the fact that on its website Amazon trumpets, “Diversity,
25 equity, and inclusion are good for business—and more fundamentally—simply right.”
26 Amazon’s purported commitment to diversity, equity, and inclusion is more virtue-
27 signaling than reality because Amazon’s heterophobic, racist, and sexist policies and
28 programs are anything but diverse, equitable, and inclusive regarding sellers who are

1 heterosexual White males, or business entities that are majority-owned by heterosexual
2 White males.

3 13. Only Amazon sellers with the preferred and privileged LGBT status, race,
4 or sex, such as lesbians, gays, bisexuals, transgenders, Blacks, Hispanics, Asian-
5 Americans, Native Americans, Pacific Islander Americans, and women – but not
6 straight White guys – are eligible for Amazon’s Seller Certification program and
7 Guided Buying policy.

8 14. An Amazon Seller Certification is a seller attribute recognized by Amazon
9 based on certifications issued by the government or other standard-defining
10 organizations approved by Amazon. Amazon’s Seller Certification program recognizes
11 the following certifications relating to a person’s LGBT status, race, or sex:

- 12 • LGBT Business Enterprise
- 13 • Minority-Owned Business
- 14 • Women-Owned Business Enterprise
- 15 • Woman-Owned Small Business
- 16 • Economically Disadvantaged Women-Owned Small Business

17 15. Amazon Seller Certifications allow sellers to display on the sellers’
18 product listing page one or more of the sellers’ certifications such as LGBT status, race,
19 or sex certifications. These certifications are seen by Amazon Business customers on
20 the Amazon website. Amazon also uses these certifications “to promote diverse sellers
21 to all Amazon customers,” meaning the race-, sex- and sexual orientation-based
22 preferences and promotions are not limited to business-to-business transactions, but
23 permeate Amazon’s entire website. (See

24 [https://sellercentral.amazon.com/gp/help/external/help.html?itemID=201649850&lang](https://sellercentral.amazon.com/gp/help/external/help.html?itemID=201649850&language=en_US&ref=efph_201649850_relt_201649830)
25 [uage=en_US&ref=efph_201649850_relt_201649830](https://sellercentral.amazon.com/gp/help/external/help.html?itemID=201649850&language=en_US&ref=efph_201649850_relt_201649830), last visited October 19, 2021.)

26 16. These certifications create an environment wherein buyers are encouraged,
27 directed, and enabled to select only those sellers based on certain otherwise legally
28 protected personal characteristics such as LGBT status, race, and sex, who the buyers

1 prefer to buy from and contract and transact business with based on the sellers' LGBT
2 status, race, or sex. This at least aids, incites, and/or facilitates the efforts of buyers,
3 including prejudiced and bigoted buyers, who prefer doing business with only sellers
4 who are LGBT, Black, Hispanic, Asian-American, Native American, Pacific Islander
5 American, or female, and at least aids, incites, and/or facilitates the efforts of buyers,
6 including prejudiced and bigoted buyers, who want to boycott or blacklist, not contract
7 or trade with, not buy from, and otherwise not do business with sellers who are
8 heterosexual, White, or male, or any combination thereof.

9 17. Amazon's Guided Buying policy encourages, enables, and allows
10 businesses to guide and direct their employees to buy from only certified sellers such
11 as LGBT-owned, minority-owned, or women-owned businesses. Amazon
12 accomplishes this through an interface that allows Business Account administrators to
13 check boxes for the types of seller certifications they prefer, which highlights search
14 results for products from only those sellers who have those certifications. In other
15 words, Amazon gives priority and preference to those sellers of the preferred and
16 privileged race, sex, and/or LGBT status by highlighting the products sold by those
17 sellers in search results and pushing those sellers' products to the top of the search result
18 list. [Exh. 10.]

19 18. For example, Amazon's Seller Certification program and Guided Buying
20 policy encourage, enable, and allow Amazon Business buyers to check a box so that
21 searches for products on Amazon's website return highlighted, preferred search results
22 from sellers who are certified Minority-Owned Businesses, such as the search results
23 for outdoor light timers sold by "certified minority-owned business" S&F Corporation.
24 [Exh. 11.] According to Indeed.com ([https://www.indeed.com/cmp/S&F-](https://www.indeed.com/cmp/S&F-Corporation/reviews?fcountry=US&floc=Woodbury%2C+MN)
25 [Corporation/reviews?fcountry=US&floc=Woodbury%2C+MN](https://www.indeed.com/cmp/S&F-Corporation/reviews?fcountry=US&floc=Woodbury%2C+MN)) and Dun & Bradstreet
26 ([https://www.dnb.com/business-directory/company-](https://www.dnb.com/business-directory/company-profiles.sf_corporation.849c05191085ef830126c9f7761cd997.html)
27 [profiles.sf_corporation.849c05191085ef830126c9f7761cd997.html](https://www.dnb.com/business-directory/company-profiles.sf_corporation.849c05191085ef830126c9f7761cd997.html)), S&F
28 Corporation, the seller of the items in Exhibit 11, is an Asian-owned business with

1 annual revenues of \$23 million dollars. Therefore, a buyer who checks the box for
2 “Minority-Owned Business” in their user interface and searches for these outdoor light
3 timers will receive search results from Amazon highlighting products sold by this \$23
4 million seller solely because Amazon has determined this well-heeled seller is a
5 minority. However, if the seller had the misfortune of being born White and was selling
6 the exact same product, that White seller’s listing would appear further down in the
7 search results and would not be given any highlights or preferences. Similar results
8 occur when the buyer checks boxes in the user interface for LGBT-Owned business or
9 Woman-Owned Business, i.e., products sold by Amazon’s disfavored heterosexual or
10 male sellers, respectively, would receive no highlights or preferences in the search
11 results and their products would be listed further down in the list of search results. A
12 system created to encourage and enable buyers to choose who they do business with
13 based on sellers’ race, sex, or LGBT status is abhorrent and violates a host of
14 California’s anti-discrimination laws, and perhaps other states’ similar anti-
15 discrimination laws.

16 19. The foregoing policies, programs, practices, and promotions provide
17 preferential accommodations, advantages, facilities, privileges, and/or services to only
18 those whom Amazon prefers based on their LGBT status, race, or sex – no matter their
19 wealth or business acumen or success. The following list of highly successful and wildly
20 wealthy businesspersons would exclusively benefit from Amazon’s foregoing LGBT-
21 status-, race-, and sex-based policies, programs, and practices, and helps illustrate the
22 absurdity and irrationality of these discriminatory practices:

- 23 • Openly transgender Jennifer Pritzker, Hyatt hotel heiress with a net worth
24 of \$2 billion; David Geffen, the gay co-founder of DreamWorks, who is
25 worth \$9.9 billion; according to Forbes; and Apple CEO Tim Cook who is
26 also gay and whose net worth is \$1.3 billion according to Forbes.
- 27 • Jensen Huang, ranked in the world’s top 100 wealthiest people by Forbes
28 with a net worth of \$20.8 billion; Black American businessman David

1 Stewart, majority owner of Worldwide Technology, worth an estimated
2 \$11.2 billion; Basketball legend Michael Jordan, worth \$1.9 billion; and
3 Oprah Winfrey, worth an estimated \$2.7 billion.

- 4 • Alice Walton, daughter of Wal-Mart founder Sam Walton, whose net
5 worth is \$61.8 billion; MacKenzie Bezos, ex-wife of Amazon founder Jeff
6 Bezos, whose net worth is an estimated \$52 billion; and Meg Whitman,
7 former CEO of eBay, who is worth an estimated \$6.7 billion.

8 20. Shockingly, Amazon has created a business practice wherein a White male
9 billionaire would qualify for Amazon’s Seller Certification program and Guided Buying
10 policy so long as he is also gay (e.g., DreamWorks’ David Geffen or Apple CEO Tim
11 Cook); a heterosexual male billionaire would qualify as a Minority-Owned Business if
12 he was a person of color (e.g., computer chips magnate Jensen Huang or basketball
13 legend Michael Jordan)); and a heterosexual White billionaire would qualify as a
14 Woman-Owned Business Enterprise if the person was female (e.g., MacKenzie Bezos
15 or Meg Whitman.)

16 21. Therefore, by being lucky enough to possess any one of Amazon’s
17 preferred personal characteristics, these LGBT, minority, or female billionaires would
18 qualify for Amazon’s above-referenced policy and program and be eligible for all of
19 the related exclusive benefits, but under no circumstances could a heterosexual White
20 male qualify for the program based on Amazon’s LGBT, race, or sex criteria, even if
21 he is a person of humble, unprivileged means who is simply trying to earn an income
22 to support his family. Such a result is heterophobic, racist, sexist, abhorrent, and illegal,
23 all in one. This type of disparate treatment based on generalizations about an
24 individual’s sexual orientation and/or LGBT status, race, or sex, instead of being based
25 on an individual’s character, abilities, or capabilities, is precisely the type of behavior
26 anti-discrimination laws were enacted to interdict.

27 22. Amazon charges monthly and transactional fees to be an Amazon Business
28 seller. Amazon then offers those Business sellers the option to advertise with sponsored

1 ads. Amazon’s website reads, “What are Sponsored Products? Sponsored Products are
2 keyword- or product-targeted ads that promote your individual listings and appear in
3 the shopping results and on product detail pages on Amazon,” and goes on to ask and
4 answer, “Why should I use Sponsored Products? Sponsored Products can help you
5 increase visibility and sales of your products by displaying ads when shoppers are
6 looking for products like yours. There are no monthly fees; you pay only when shoppers
7 click your ad, which takes them to the product detail page where your offer is listed.
8 Consider using Sponsored Products for product visibility, new offers, unique selections,
9 offers with low glance views, clearance items, and seasonal promotions.” Amazon’s
10 website continues with, “Where will my ads be displayed? Sponsored Products may be
11 displayed on top of, alongside, or within shopping results. Ads may appear on both
12 desktop and mobile.” Amazon’s website lastly asks and answers, “What is CPC
13 advertising? Cost-per-click advertising is a type of paid advertising where ads display
14 at no charge – ad impressions, or views, are free – and the advertiser is charged only
15 when customers click the add. Sponsored ads, such as Sponsored Products and
16 Sponsored Brands, run on the CPC model.” [<https://sell.amazon.com/advertising>, last
17 visited October 19, 2021.] Essentially, Amazon charges sellers advertising fees to
18 increase the visibility of the sellers’ products in search results on Amazon’s website.
19 Amazon profits mightily from the increased visibility service it markets to sellers. Yet
20 Amazon offers its increased visibility service to LGBT persons, businesses owned by
21 members of certain preferred races, and female sellers for free by highlighting and
22 showcasing their products and seller pages without charging the sellers any extra
23 advertising or cost-per-click fees. This results in a valuable increase in visibility to
24 potential buyers – free advertising worth millions of dollars to certain preferred and
25 privileged sellers – but not to sellers who have the misfortune of being heterosexual
26 White males.

27 23. Amazon, through its “Discover Women-Owned Businesses” webpage,
28 denies full and equal accommodations, advantages, facilities, privileges, or services to

1 sellers who are, or who are majority-owned by, non-females (males such as Plaintiff
2 and non-binary persons), in violation of California Civil Code section 51, which is the
3 codification of California’s Unruh Civil Rights Act.

4 24. Amazon, through its “Discover Women-Owned Businesses” webpage,
5 discriminates against, boycotts, blacklists, and refuses to contract or trade with men and
6 non-binary persons in violation of California Civil Code section 51.5.

7 25. Amazon, through its “Meet the Business Owners/Black-Owned”
8 webpages, denies full and equal accommodations, advantages, facilities, privileges, or
9 services to sellers who are, or who are majority-owned by, non-Black people such as
10 Plaintiff, in violation of California Civil Code section 51.

11 26. Amazon, through its “Meet the Business Owners/Black-Owned”
12 webpages, discriminates against, boycotts, blacklists, and refuses to contract or trade
13 with non-Black people in violation of California Civil Code section 51.5.

14 27. Amazon, through its “Minority Report feat. Black Owned Businesses,”
15 “Misc. BOB Products,” and “Buy Black” webpages, denies full and equal
16 accommodations, advantages, facilities, privileges, or services to sellers who are, or
17 who are majority-owned by, non-Black people such as Plaintiff, in violation of
18 California Civil Code section 51.

19 28. Amazon, through its “Minority Report feat. Black Owned Businesses,”
20 “Misc. BOB Products,” and “Buy Black” webpages, discriminates against, boycotts,
21 blacklists, and refuses to contract or trade with non-Black people in violation of
22 California Civil Code section 51.5.

23 29. Amazon, through its Black Business Accelerator program, denies full and
24 equal accommodations, advantages, facilities, privileges, or services to sellers who are,
25 or who are majority-owned by, non-Black people such as Plaintiff, in violation of
26 California Civil Code section 51.

27 30. Amazon, through its Black Business Accelerator program, discriminates
28 against, boycotts, blacklists, and refuses to contract or trade with non-Black people in

1 violation of California Civil Code section 51.5.

2 31. Amazon, through its “A Hispanic Celebration” webpage, denies full and
3 equal accommodations, advantages, facilities, privileges, or services to sellers who are,
4 or who are majority-owned by, non-Hispanic people such as Plaintiff, in violation of
5 California Civil Code section 51.

6 32. Amazon, through its “A Hispanic Celebration” webpage, discriminates
7 against, boycotts, blacklists, and refuses to contract or trade with non-Hispanic people
8 in violation of California Civil Code section 51.5.

9 33. Amazon, through its Seller Certification program and Guided Buying
10 policy, denies full and equal accommodations, advantages, facilities, privileges, or
11 services to sellers who are, or who are majority-owned by, heterosexual White males
12 such as Plaintiff, in violation of California Civil Code section 51.

13 34. Amazon, through its Seller Certification program and Guided Buying
14 policy, discriminates against, boycotts, blacklists, and refuses to contract or trade with
15 straight White men in violation of California Civil Code section 51.5.

16 35. Moreover, at a minimum, Amazon at least aids or incites the denial of the
17 rights secured by Civil Code sections 51 and 51.5 by creating, promoting, marketing,
18 and employing the above-referenced webpages, programs, policies, and practices,
19 including those that allow buyers to discriminate against, distinguish between, boycott,
20 blacklist, and refuse to contract or trade with heterosexual White males.

21 36. Amazon has created, advertised, marketed, and employed its LGBT status-
22 based, race-based, and sex-based Seller Certification program and Guided Buying
23 policy to increase business and, thereby, profits.

24 37. In the summer and fall of 2021, Plaintiff, who is a heterosexual White
25 male, visited Defendant’s Amazon.com website with the intent to become an Amazon
26 seller, and encountered the above-referenced webpages and programs, including
27 Amazon’s Seller Certification program and Guided Buying policy terms or conditions,
28 all of which denied him and other heterosexual White males full and equal access to

1 Amazon's services based on LGBT status, race, and sex.

2 38. By prohibiting Plaintiff from participating in Amazon's Seller
3 Certification program and Guided Buying policy based on the Plaintiff and the proposed
4 class's LGBT status, race, and sex, Defendant Amazon.com, Inc. has been violating
5 California's Civil Code sections 51 and 51.5.

6 39. California Civil Code section 51 provides, in pertinent part, the following:

7 (a) This section shall be known, and may be cited, as the Unruh Civil Rights Act.

8 (b) All persons within the jurisdiction of this state are free and equal, and no
9 matter what their sex, race, color, religion, ancestry, national origin, disability,
10 medical condition, genetic information, marital status, sexual orientation,
11 citizenship, primary language, or immigration status are entitled to the full
12 and equal accommodations, advantages, facilities, privileges, or services in all
13 business establishments of every kind whatsoever.

14
15 Civil Code section 51.5 reads, in pertinent part, as follows:

16 (a) No business establishment of any kind whatsoever shall discriminate against,
17 boycott or blacklist, or refuse to buy from, contract with, sell to, or trade with
18 any person in this state on account of any characteristic listed or defined in
19 subdivision (b) or (e) of Section 51, or of the person's partners, members,
20 stockholders, directors, officers, managers, superintendents, agents,
21 employees, business associates, suppliers, or customers, because the person is
22 perceived to have one or more of those characteristics, or because the person
23 is associated with a person who has, or is perceived to have, any of those
24 characteristics.

25
26 Civil Code section 52 provides the remedies for violations of Civil Code
27 sections 51 and 51.5, and reads, in pertinent part, as follows:

28 (a) Whoever denies, aids or incites a denial, or makes any discrimination or

1 distinction contrary to Section 51, 51.5, or 51.6, is liable for each and every
2 offense for the actual damages, and any amount that may be determined by a
3 jury, or a court sitting without a jury, up to a maximum of three times the
4 amount of actual damage but in no case less than four thousand dollars
5 (\$4,000), and any attorney's fees that may be determined by the court in
6 addition thereto, suffered by any person denied the rights provided in Section
7 51, 51.5, or 51.6.

8
9 40. Amazon's above-referenced LGBT status-based, race-based, and sex-
10 based Seller Certification program and Guided Buying policy has (1) caused discontent,
11 divisiveness, animosity, harm, resentment, and envy among Amazon sellers and
12 prospective Amazon sellers, (2) constituted intentional, arbitrary, unreasonable, and/or
13 invidious discrimination, (3) applied and employed prohibited class-based
14 generalizations and stereotypes about both the disfavored heterosexual White male
15 sellers and Amazon's preferred lesbian, gay, bisexual, transgender, Black, Hispanic,
16 Asian, Native American, Pacific Islander American, and female sellers, and (4)
17 contravened the State of California's historical effort and strong public policy, as
18 evidenced in part by Civil Code sections 51 and 51.5, to eradicate discrimination based
19 on protected personal characteristics. It also violated Amazon's own much-publicized
20 and touted commitment to diversity and inclusion, found at
21 <https://www.aboutamazon.com/workplace/diversity-inclusion>, which reads as follows:

22 We are a company of builders who bring varying backgrounds, ideas, and
23 points of view to inventing on behalf of our customers. Our diverse
24 perspectives come from many sources including gender, race, age, national
25 origin, sexual orientation, culture, education, and professional and life
26 experience. We are committed to diversity and inclusion and always look
for ways to scale our impact as we grow.

27 41. However, as at least evidenced by Amazon's LGBT status-based, race-
28 based, and sex-based Seller Certification program and Guided Buying policy with their

1 divisive and restrictive eligibility requirements, heterosexual White males have been
2 and continue to be excluded from Amazon's supposed commitment to diversity and
3 inclusion.

4 42. By this action, Plaintiff and all others similarly situated, as defined in the
5 below class definition, seek redress for Amazon's Guided Buying policy and Seller
6 Certification program that have (1) denied and deprived heterosexual White males the
7 full and equal accommodations, advantages, facilities, privileges, or services based on
8 their sexual orientation, race, and sex in violation of Civil Code section 51, (2)
9 discriminated against, boycotted, blacklisted, and refused to contract or trade with
10 heterosexual White males based on their sexual orientation, race, and sex in violation
11 of Civil Code section 51.5, (3) marginalized heterosexual White males, and (4) at least
12 aided in this denial, deprivation, discrimination, distinction, and marginalization.

13 **PARTIES**

14 43. At all times relevant hereto, Plaintiff Jonathan Correll has been a
15 heterosexual White male businessman residing in San Diego, California who visited
16 Defendant Amazon.com, Inc.'s Amazon.com website in the summer and fall of 2021
17 with the intent to use Amazon's internet-based sales services to sell products on
18 Amazon.com, when he encountered Amazon's above-referenced programs, policies,
19 practice, promotions, and webpages, and their respective terms or conditions, that (1)
20 denied him and other heterosexual White males full and equal access to Amazon's
21 services based on sexual orientation, race, and sex, (2) caused or enabled Amazon to
22 discriminate against, boycott, blacklist, and refuse to contract or trade with Mr. Correll
23 and other heterosexual White males based on sexual orientation, race, and sex, (3)
24 marginalized heterosexual White males, and (4) at least aided in this denial, deprivation,
25 discrimination, distinction, and marginalization concerning heterosexual White males.

26 44. At all times relevant hereto, Defendant Amazon.com, Inc. has been a
27 Delaware-registered domestic corporation with its headquarters in the State of
28 Washington and with operations in San Diego, California. Upon information and belief,

1 through Defendant's Amazon.com platform, Amazon dominates the online retail sales
2 market, controlling between 50-70% of all online retail sales in the U.S. For many
3 Americans, Amazon.com is overwhelmingly the first place they turn to buy something
4 online.

5 45. The above-named Defendant, and its subsidiaries and agents, are
6 collectively referred to as "Amazon.com, Inc.," "Amazon," or "Defendant." The true
7 names and capacities of the Defendants sued herein as DOE DEFENDANTS 1 through
8 10, inclusive, are currently unknown to Plaintiff, who therefore sues such Defendants
9 by fictitious names. Each of the Defendants designated herein as a DOE is legally
10 responsible for the unlawful acts alleged herein. Plaintiff will seek leave of Court to
11 amend the Complaint to reflect the true names and capacities of the DOE Defendants
12 when such identities become known.

13 46. Plaintiff is informed and believes, and thereon alleges, that at all relevant
14 times, each and every defendant was acting as an agent and/or employee of each of the
15 other Defendants, and was the owner, agent, servant, joint venturer and employee, each
16 of the other and each was acting within the course and scope of its ownership, agency,
17 service, joint venture and employment with the full knowledge and consent of each of
18 the other Defendants. Plaintiff is informed and believes, and thereon alleges, that each
19 of the acts and/or omissions complained of herein was made known to, and ratified by,
20 each of the other Defendants.

21 47. Unless otherwise alleged, whenever reference is made in this complaint to
22 any act of "defendant," "defendants," or to a specifically named defendant such as
23 "Amazon.com, Inc." or "Amazon," such allegation shall mean that each defendant acted
24 individually and jointly with the other defendant named in the complaint.

25 48. At all times mentioned herein, each and every defendant was the successor
26 of the other and each assumes the responsibility for each other's acts and omissions.
27
28

1 **JURISDICTION AND VENUE**

2 49. Jurisdiction is proper under 28 U.S.C. § 1332 because Plaintiff is a citizen
3 of the State of California, Defendant is a citizen of the State of Washington, and the
4 amount in controversy exceeds \$5,000,000 exclusive of interest and costs, and
5 therefore, both diversity jurisdiction and the damages threshold under the Class Action
6 Fairness Act of 2005 (“CAFA”) are present, giving this Court jurisdiction.

7 50. Venue is proper pursuant to 28 U.S.C. § 1391 for the following reasons:
8 (i) the conduct complained of herein occurred within this judicial district; and (ii)
9 Defendant conducted business within this judicial district at all times relevant.

10 51. Because Defendant conducted business within the State of California at all
11 times relevant, personal jurisdiction is established.

12 **CLASS ALLEGATIONS**

13 52. Plaintiff brings this class action on his own behalf and on behalf of all other
14 persons similarly situated under Fed. R. Civ. P. 23(a), (b)(2), and (b)(3) as follows:

- 15 a. All heterosexual White males who, while in California, (1) visited the
16 Amazon.com website with the intent to use Amazon’s internet-based
17 sales services and encountered Amazon’s Seller Certification
18 program and Guided Buying policy terms or conditions that excluded
19 heterosexual White males from the full and equal access to Amazon’s
20 Seller Certification program and Guided Buying policy services based
21 on sexual orientation/LGBT status, race, and sex, or (2) have used or
22 contracted with Amazon to sell or market their products on the
23 Amazon.com website and were denied full and equal participation in
24 or the benefits from Amazon’s Seller Certification program and
25 Guided Buying policy based on sexual orientation/LGBT status, race,
26 and sex (collectively, the “Seller Certification Class”) – collectively
27 at any time from the period beginning on October 28, 2018 through
28 the date of final judgment in this action.

1 b. All non-Black people who, while in California, (1) visited the
2 Amazon.com website with the intent to use Amazon’s internet-based
3 sales services and encountered Amazon’s “Black Business
4 Accelerator” program and were denied full and equal participation in
5 or the benefits from Amazon’s “Black Business Accelerator” program
6 based on race (collectively, the “Black Business Accelerator Class”)
7 at any time from the period beginning on October 28, 2018 through
8 the date of final judgment in this action.

9 c. All non-Black people who, while in California, (1) visited the
10 Amazon.com website with the intent to use Amazon’s internet-based
11 sales services and encountered Amazon’s “Buy Black” or “Misc.
12 BOB Products” program and were denied full and equal participation
13 in or the benefits from Amazon’s “Buy Black” or “Misc. BOB
14 Products” program based on race (collectively, the “Buy Black
15 Class.”) at any time from the period beginning on October 28, 2018
16 through the date of final judgment in this action.

17 d. All non-female people who, while in California, (1) visited the
18 Amazon.com website with the intent to use Amazon’s internet-based
19 sales services and encountered Amazon’s “Discover Women-Owned
20 Businesses” program and were denied full and equal participation in
21 or the benefits from Amazon’s “Discover Women-Owned
22 Businesses” program based on sex (the “Non-female Class”) at any
23 time from the period beginning on October 28, 2018 through the date
24 of final judgment in this action.

25 e. All non-Hispanic or non-Latino people who, while in California, (1)
26 visited the Amazon.com website with the intent to use Amazon’s
27 internet-based sales services and encountered Amazon’s “A Hispanic
28 Celebration” program and were denied full and equal participation in

1 or the benefits from Amazon’s “A Hispanic Celebration” program
2 based on race (the “Non-Hispanic Class”) at any time from the period
3 beginning on October 28, 2018 through the date of final judgment in
4 this action.

5 53. Not included in the Class are the following individuals and/or entities:
6 Amazon and its parents, subsidiaries, affiliates, officers and directors, current or former
7 employees, and any entity in which Amazon has a controlling interest; all individuals
8 who make a timely election to be excluded from this proceeding using the correct
9 protocol for opting out; all judges and their staff members assigned to hear any aspect
10 of this litigation, as well as such judges’ immediate family members; and Plaintiff’s
11 counsel and anyone employed by Plaintiff’s counsel.

12 54. Plaintiff reserves the right to modify or amend the definition of the
13 proposed Class before the Court determines whether certification is appropriate.

14 55. This action has been brought and may properly be maintained pursuant to
15 Federal Rules of Civil Procedure 23(a) and (b)(2) and (b)(3) for the below reasons.

16 56. The Class is so numerous that joinder of all members is impracticable.
17 Upon information and belief, there are thousands of Class members.

18 57. There are questions of law and fact common to the Class and these
19 questions predominate over any questions affecting only individual members. Common
20 questions include, for each class, among others: (1) Whether Amazon’s LGBT status-
21 based, race-based, and sex-based programs, policies, practices, and promotions
22 described herein deprive Plaintiff and the Class of rights under California Civil Code
23 sections 51 and 51.5; (2) whether Plaintiff and the Class suffered harm by reason of
24 Amazon’s unequal treatment of and discrimination against those who have intended to
25 use or contract with Amazon to use the Amazon.com website, as well as those who have
26 used the Amazon.com website to market or sell their products, based on LGBT status,
27 race, and sex; (3) whether Plaintiff and the Class are entitled to statutory damages under
28 California Civil Code section 52; (4) whether Plaintiff and the Class are entitled to

1 equitable and injunctive relief, and if so, what equitable and injunctive relief is
2 warranted; and (5) the scope of permanent public injunctive relief that may result.

3 58. Plaintiff's claims are typical of the claims of the Class because Amazon's
4 programs, policies, practices, and promotions described herein have denied Plaintiff full
5 and equal accommodations, advantages, facilities, privileges, and/or services, and have
6 caused or enabled Amazon to discriminate against, boycott, blacklist, and/or refuse to
7 contract or trade with Plaintiff on the basis of Plaintiff's sexual orientation or LGBT
8 status, race, and sex. Furthermore, Amazon at least aided or incited the denial of the
9 rights secured by Civil Code sections 51 and 51.5 by creating, promoting, and
10 employing the programs, policies, practices, and promotions described herein that allow
11 buyers to discriminate against, boycott, blacklist, and refuse to contract or trade with
12 sellers on the basis of sexual orientation or LGBT status, race, and sex. Each of these
13 claims is substantially shared by every Class member. The unequal treatment and
14 discrimination claims arise from the same course of conduct by Amazon, and the relief
15 sought is common.

16 59. Members of the Class are unlikely to be aware of their rights under Civil
17 Code sections 51 and 51.5.

18 60. Amazon has acted on grounds generally applicable to the Class, thereby
19 making appropriate final injunctive relief with respect to the Class as a whole.

20 61. Plaintiff will fairly and adequately represent and protect the interests of the
21 Class. Plaintiff has no conflict with any Class Member. Plaintiff is committed to the
22 goal of ending Amazon's systemic and institutional heterophobia, racism, and sexism
23 by having Amazon change its business practices to stop discriminating against Plaintiff
24 and others whom Amazon has denied full and equal accommodations, advantages,
25 facilities, and privileges, and has discriminated against, boycotted, blacklisted, and/or
26 refused to contract or trade with based on the Plaintiff and Class members' sexual
27 orientation, race, and sex.

1 62. Plaintiff has retained counsel competent and experienced in complex
2 discrimination class actions, including class actions with causes of action for violating
3 California Civil Code sections 51 and 51.5.

4 63. The people affected by Amazon's unequal treatment is ascertainable
5 through Amazon's company records and its website records, logs, and data and
6 therefore the proposed class is ascertainable.

7 64. Class certification is appropriate pursuant to Fed. R. Civ. P. 23(b)(3) for
8 monetary damages and Fed. R. Civ. P. 23(b)(2) because Amazon has acted and/or
9 refused to act on grounds generally applicable to the class, making appropriate
10 declaratory, equitable, and public injunctive relief with respect to Plaintiff and the Class
11 as a whole. Amazon excludes members of the Class from participating in and
12 benefitting from Amazon's above-referenced practices, programs, policies, or
13 promotions due to the Class members' sexual orientation/LGBT status, race, and sex.
14 The Class members are entitled to declaratory, equitable, and public injunctive relief to
15 end Amazon's common, unfair, and unlawful, LGBT status-based, race-based, and sex-
16 based discriminatory practices, programs, policies, or promotions.

17 65. Class certification is also appropriate pursuant to Fed. R. Civ. P. 23(b)(3)
18 because common questions of fact and law predominate over any questions affecting
19 only individual Class members, and because a class action is superior to other available
20 methods for the fair and efficient adjudication of this litigation since joinder of all
21 members is impracticable. The Class members have been damaged and are entitled to
22 recovery of statutory damages under California Civil Code section 52 because of
23 Amazon's common, unfair, and unlawful, sexual orientation-based, race-based, and
24 sex-based discriminatory practices, programs, or policies. This Complaint does not seek
25 actual damages, but instead the mandatory minimum \$4,000 in statutory damages for
26 each and every offense pursuant to Civil Code section 52, and these statutory damages
27 are readily capable of measurement on a class-wide basis. Plaintiff and the members of
28 the Class will rely on common evidence to resolve their legal and factual questions,

1 including Amazon’s applicable LGBT status or sexual orientation-based, race-based,
2 and sex-based practices, programs, and policies in the relevant period. Amazon has been
3 engaging in continuous, permanent, and substantial activity in California. There will be
4 no undue difficulty in the management of this litigation as a class action.

5 66. A class action is superior to other available methods for the fair and
6 efficient adjudication of the present controversy. Class members are likely to have little
7 interest in individually controlling the prosecution of separate actions because the
8 individual statutory damages claims of each Class member are not substantial enough
9 to warrant the attorneys’ fees and court costs associated with individual filings and
10 prosecution of their individual claims. In sum, for many, if not most, Class members, a
11 class action is the only feasible mechanism that will allow them an opportunity for legal
12 redress and justice. The conduct of this action as a class action in this forum, with
13 respect to some or all of the issues presented herein, presents fewer management
14 difficulties, conserves the resources of the parties and of the court system, and protects
15 the rights of each Class member.

16 67. Moreover, individualized litigation would also present the potential for
17 varying, inconsistent, or incompatible standards of conduct for Defendant, and would
18 magnify the delay and expense to all parties and to the court system resulting from
19 multiple trials of the same factual issues. The adjudication of individual Class members’
20 claims would also, as a practical matter, be dispositive of the interests of other members
21 not parties to the adjudication, and could substantially impair or impede the ability of
22 other Class members to protect their interests.

23 **FIRST CAUSE OF ACTION**

24 **Violation Of The Unruh Civil Rights Act, California Civil Code Section 51**

25 68. Plaintiff incorporates in this cause of action the allegations contained in
26 the preceding paragraphs of this Complaint as if they were set out in full herein.
27
28

1 69. Amazon is a “business establishment” within the meaning of California
2 Civil Code 51.

3 70. By intentionally denying Plaintiff and the Class full and equal
4 accommodations, advantages, facilities, privileges, and/or services by denying Plaintiff
5 and the Class access to and participation in Amazon’s Seller Certification program and
6 Guided Buying policy, and Amazon’s other sexual orientation-, race-, and/or sex-based
7 policies, programs, practices, or promotions discussed above, based on the Plaintiff and
8 the Class members’ sexual orientation/LGBT status, race, and sex, Amazon has been
9 violating California’s Unruh Civil Rights Act, which is codified as California Civil
10 Code section 51.

11 71. A substantial motivating reason for Amazon’s conduct was the sexual
12 orientation/LGBT status, race, and sex of Plaintiff and the Class.

13 72. Amazon’s denying Plaintiff and the Class access to and participation in
14 Amazon’s Seller Certification program and Guided Buying policy, and Amazon’s other
15 sexual orientation/ LGBT status-, race-, and/or sex-based policies, programs, practices,
16 or promotions based on the Plaintiff and the Class members’ sexual orientation, race,
17 and sex, harmed and damaged Plaintiff and the Class.

18 73. Amazon’s denying Plaintiff and the Class access to and participation in
19 Amazon’s Seller Certification program and Guided Buying policy, and Amazon’s other
20 sexual orientation/ LGBT status-, race-, and/or sex-based policies, programs, practices,
21 or promotions based on the Plaintiff and the Class members’ sexual orientation/LGBT
22 status, race, and sex was a substantial factor in causing harm and damages to Plaintiff
23 and the Class.

24 74. Pursuant to Civil Code section 52, Amazon is liable to Plaintiff and the
25 members of the Class for the statutory damages mandated by Civil Code section 52 for
26 each and every offense, and attorneys’ fees that may be determined by the court in
27 addition thereto.
28

1 75. Pursuant to Civil Code section 52, public injunctive relief is necessary and
2 appropriate to prevent Amazon from continuing and repeating its discriminatory actions
3 as alleged above. Plaintiff is entitled to public injunctive relief on behalf of himself and
4 the Class.

5 **SECOND CAUSE OF ACTION**

6 **Violation Of California Civil Code Section 51.5**

7 76. Plaintiff incorporates in this cause of action the allegations contained in
8 the preceding paragraphs of this Complaint as if they were set out in full herein.

9 77. Amazon is a “business establishment” within the meaning of California
10 Civil Code 51.5.

11 78. By intentionally denying Plaintiff and the Class full and equal
12 accommodations, advantages, facilities, privileges, and/or services by denying Plaintiff
13 and the Class access to and participation in Amazon’s Seller Certification program and
14 Guided Buying policy, and Amazon’s other sexual orientation-, race-, and/or sex-based
15 policies, programs, practices, or promotions discussed above, based on the Plaintiff and
16 the Class members’ sexual orientation/LGBT status, race, and sex, Amazon has been
17 violating California Civil Code section 51.5, which prohibits businesses from
18 discriminating against, boycotting, blacklisting, and refusing to contract or trade based
19 on the personal characteristics enumerated in Civil Code section 51.

20 79. A substantial motivating reason for Amazon’s conduct was the sexual
21 orientation/LGBT status, race, and sex of Plaintiff and the Class.

22 80. Amazon’s denying Plaintiff and the Class access to and participation in
23 Amazon’s Seller Certification program and Guided Buying policy, and Amazon’s other
24 sexual orientation/LGBT status-, race-, and/or sex-based policies, programs, practices,
25 or promotions based on the Plaintiff and the Class members’ sexual orientation, race,
26 and sex harmed and damaged Plaintiff and the Class.

1 81. Pursuant to Civil Code section 52, Amazon is liable to Plaintiff and the
2 members of the Class for the statutory damages mandated by Civil Code section 52 for
3 each and every offense, and attorneys' fees that may be determined by the court in
4 addition thereto.

5 82. Pursuant to Civil Code section 52, public injunctive relief is necessary and
6 appropriate to prevent Amazon from continuing and repeating its discriminatory actions
7 as alleged above. Plaintiff is entitled to public injunctive relief on behalf of himself and
8 the Class.

9 **PRAYER FOR RELIEF**

10 WHEREFORE, Plaintiff prays for the following relief:

11 1. Public injunctive relief in the form of a preliminary and permanent
12 injunction against Amazon and its officers, agents, successors, employees,
13 representatives, and any and all persons acting in concert with them, from engaging in
14 each of the unlawful policies, practices, customs, and usages set forth herein;

15 2. Certify a class under Rule 23(a) and (b)(2) and (b)(3) of the Federal Rules
16 of Civil procedure, appoint Plaintiff's counsel as Class Counsel, and appoint the named
17 Plaintiff as the Class representative;

18 3. For an order requiring Amazon's officers and employees to undergo
19 diversity, inclusion, and equity training, specifically to recognize and acknowledge
20 heterosexual White males as human beings who are entitled to the same equal treatment,
21 diversity, inclusion, and equity to which all human beings are entitled.

22 4. For statutory damages mandated by and pursuant to California Civil Code
23 section 52 for each and every offense committed by Amazon against Plaintiff and each
24 member of the Class for violating California Civil Code sections 51 and/or 51.5;

25 5. Costs incurred herein, including reasonable attorneys' fees to the extent
26 allowable by California Civil Code section 52 and California Code of Civil Procedure
27 section 1021.5; and
28

1 6. For such other and further legal and equitable relief as this Court may deem
2 proper, appropriate, justified, or equitable.

3
4 Dated: October 28, 2021

Respectfully Submitted

5
6 /s/ Greg Adler

7 Greg Adler, California Bar No. 234142

8 Greg Adler P.C.

9 39899 Balentine Drive Suite 200

10 Newark, CA 94560

11 Phone: (844) 504-6587

12 Fax: (469) 807-8878

13 Email: greg@adler.law

14 *Attorney for Plaintiff Jonathan Correll and the*
15 *Proposed Class*
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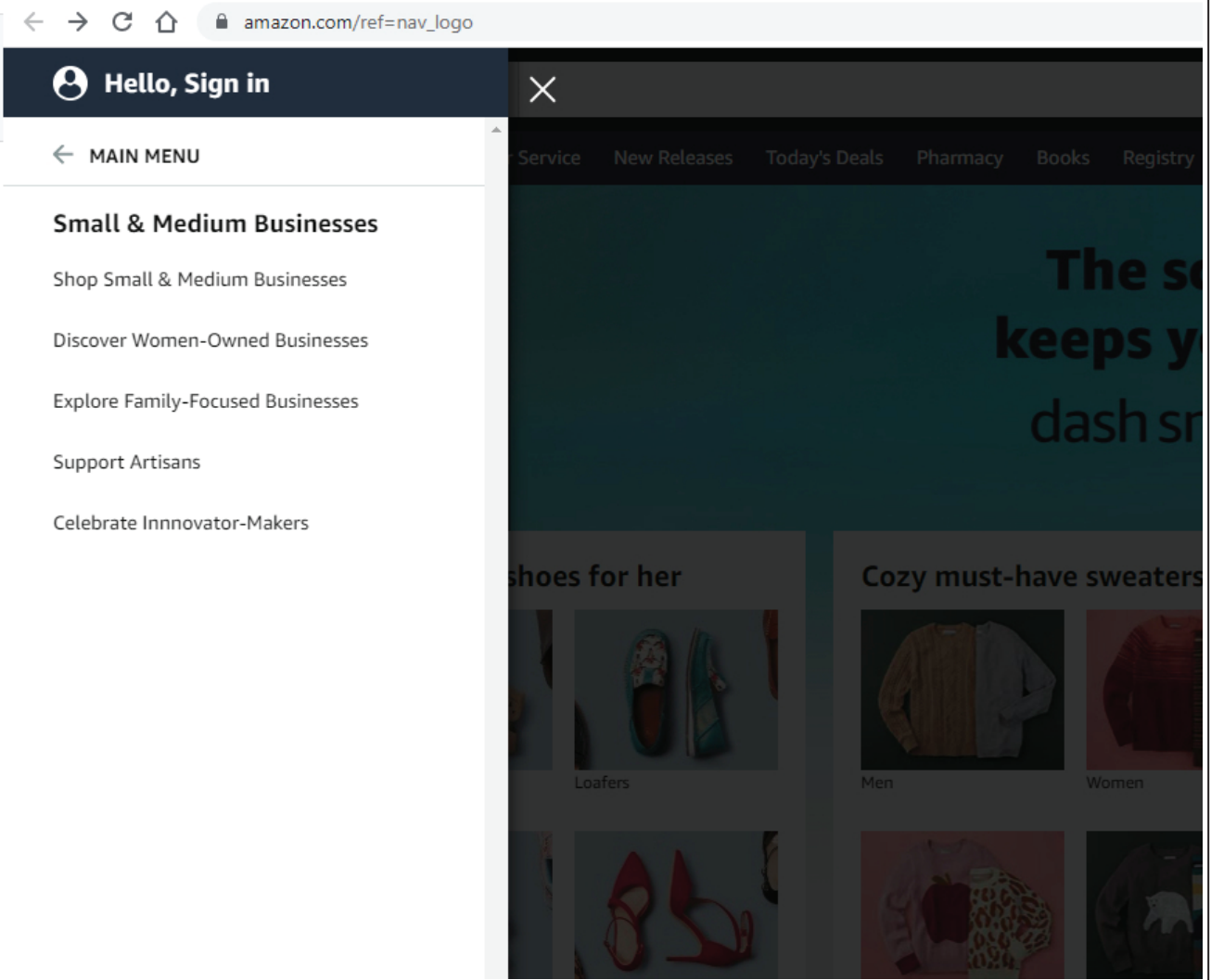
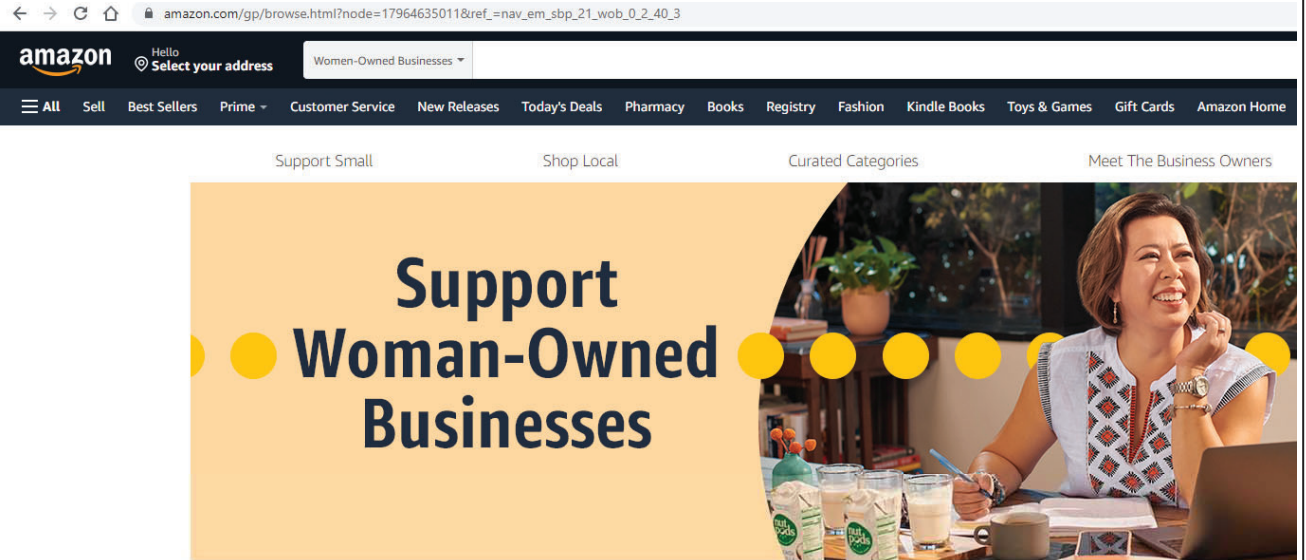


EXHIBIT 1



Featured Brand: Bolden Beauty

El Paso, TX

Chinelo Chidozie & Ndidì Obidoa, Co-Founders

The idea of Bolden was born over a family vacation in Key West, that worked for our skin tone. We started brainstorming and had decided to take a leap of faith. We coined the name Bolden from Black women centric brand. We want women to own their individuality comfortably in their beauty.

[Shop now >](#)

EXHIBIT 2

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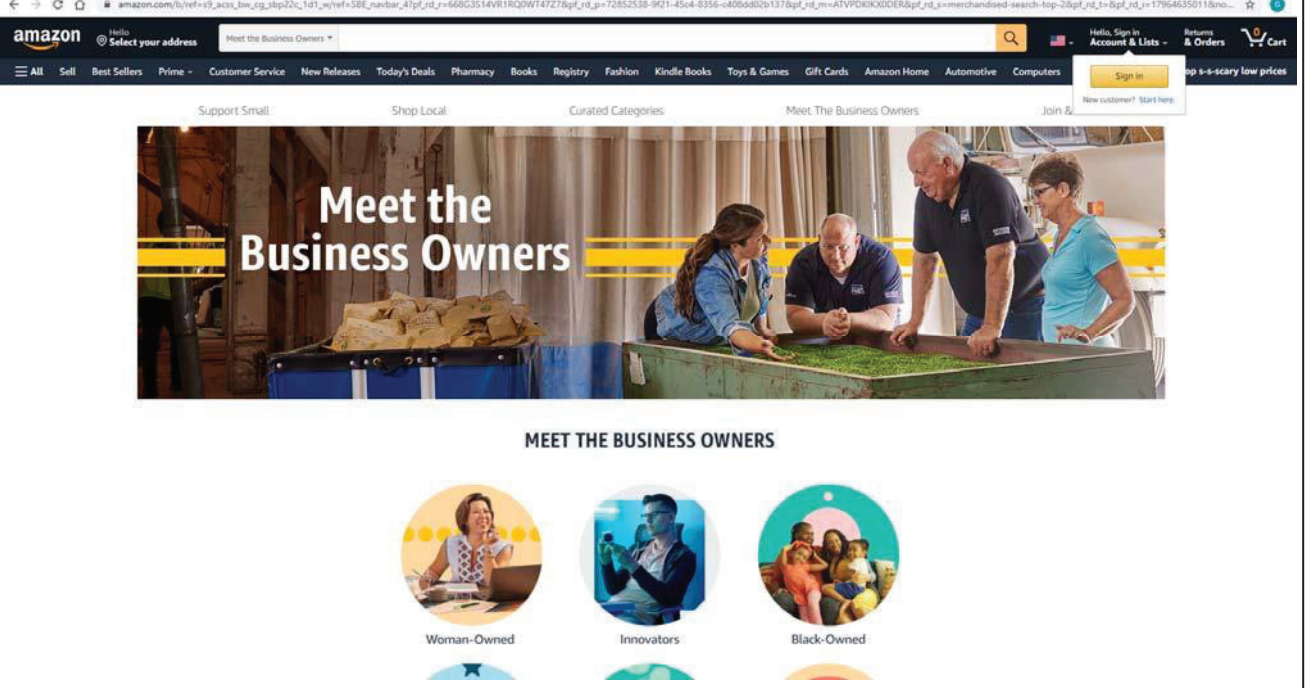


EXHIBIT 3

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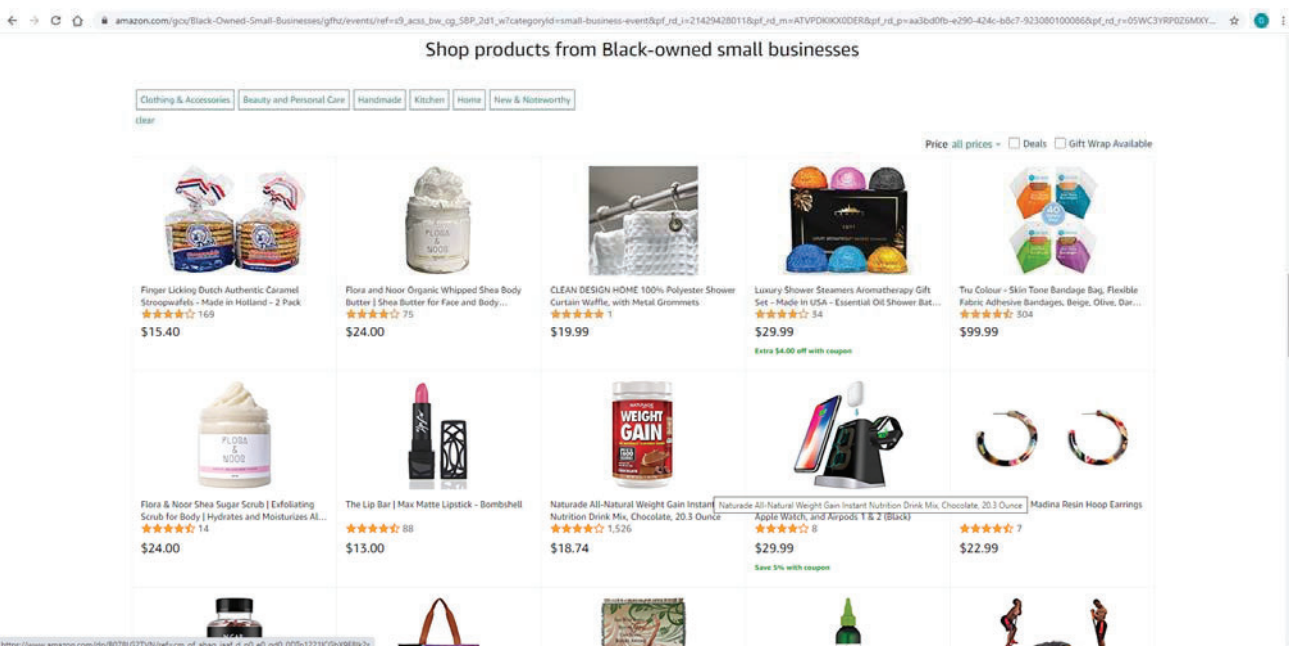
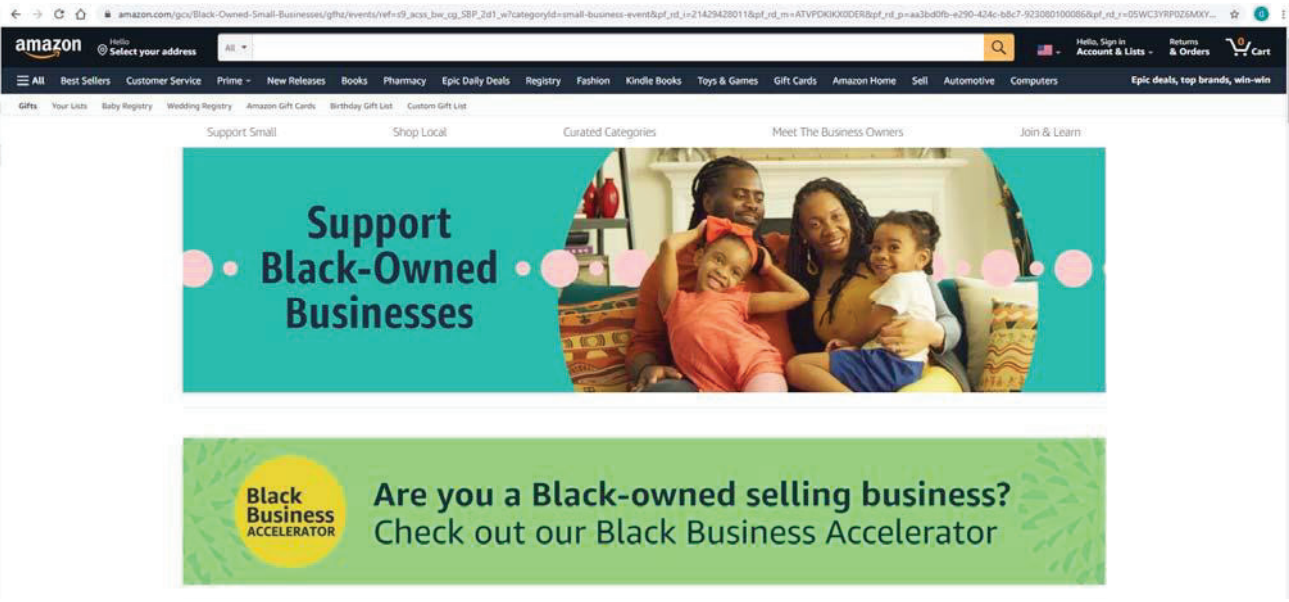


EXHIBIT 4

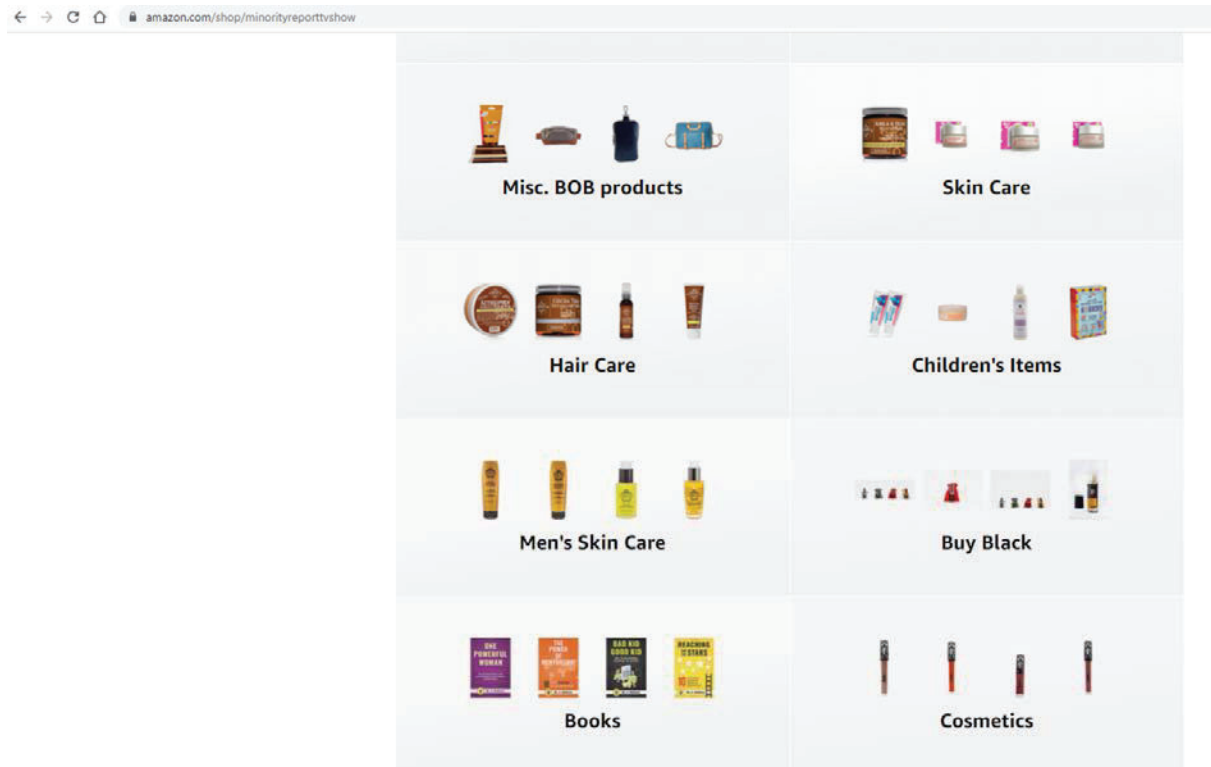
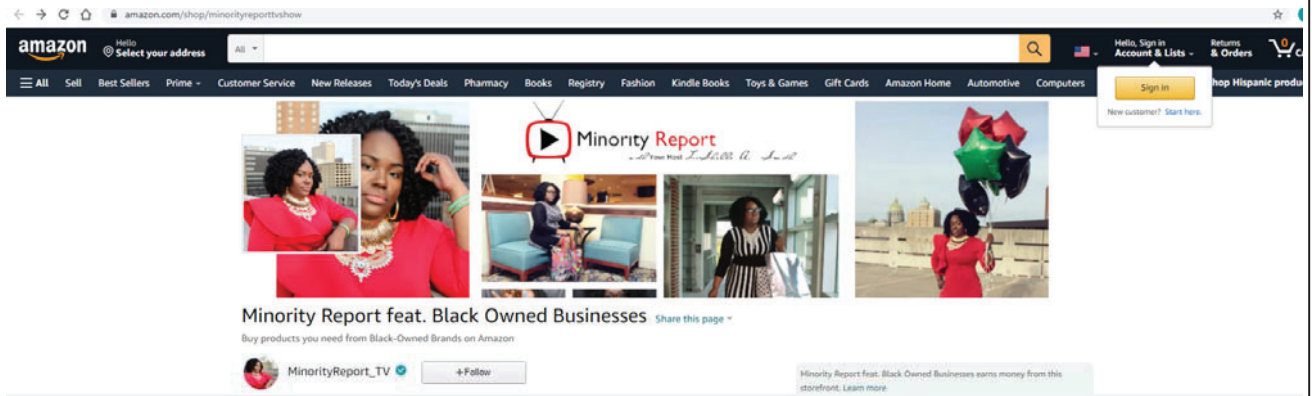


EXHIBIT 5

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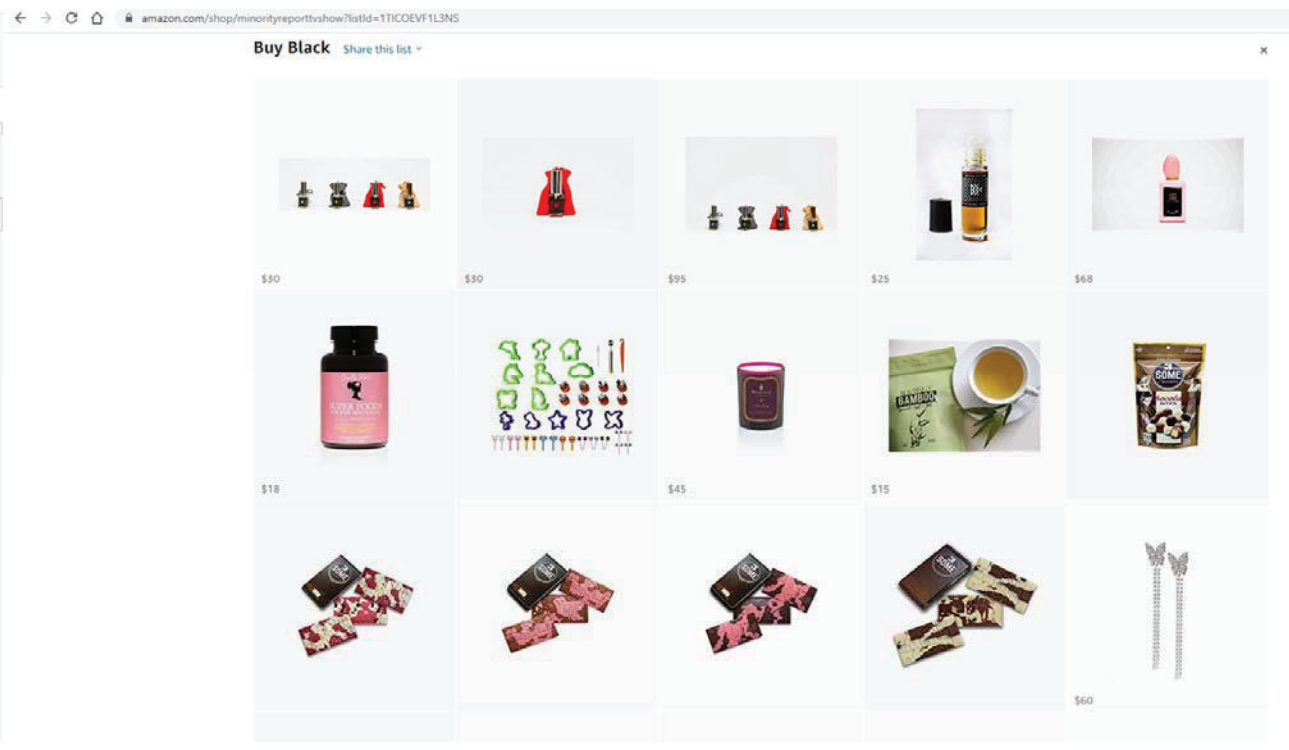
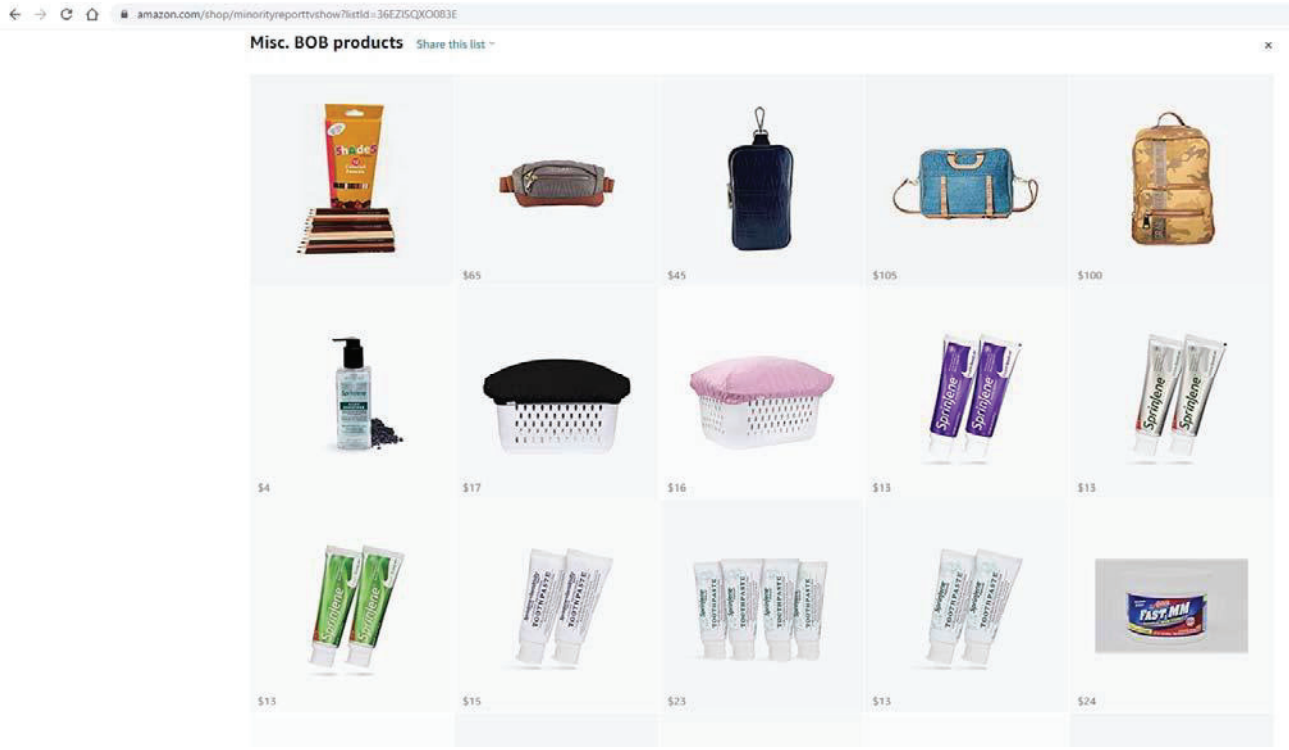


EXHIBIT 6



All Beauty Electronics Health & Wellness Groceries Accessories & Apparel Kitchen Baby Jewelry Toys & games Greeting Cards Home Fitness and Sports Quirky Face Masks

Product grid showing items like Sock Fancy - Reusable Cloth Face Mask, Lola Ade - 40mm Madina Resin Hoop Earrings, Hairbrella Women's Rain Hat, etc.

BUY BLACK: BLACK HISTORY MONTH grid of products including cables, shoes, powders, and other household items.

EXHIBIT 7

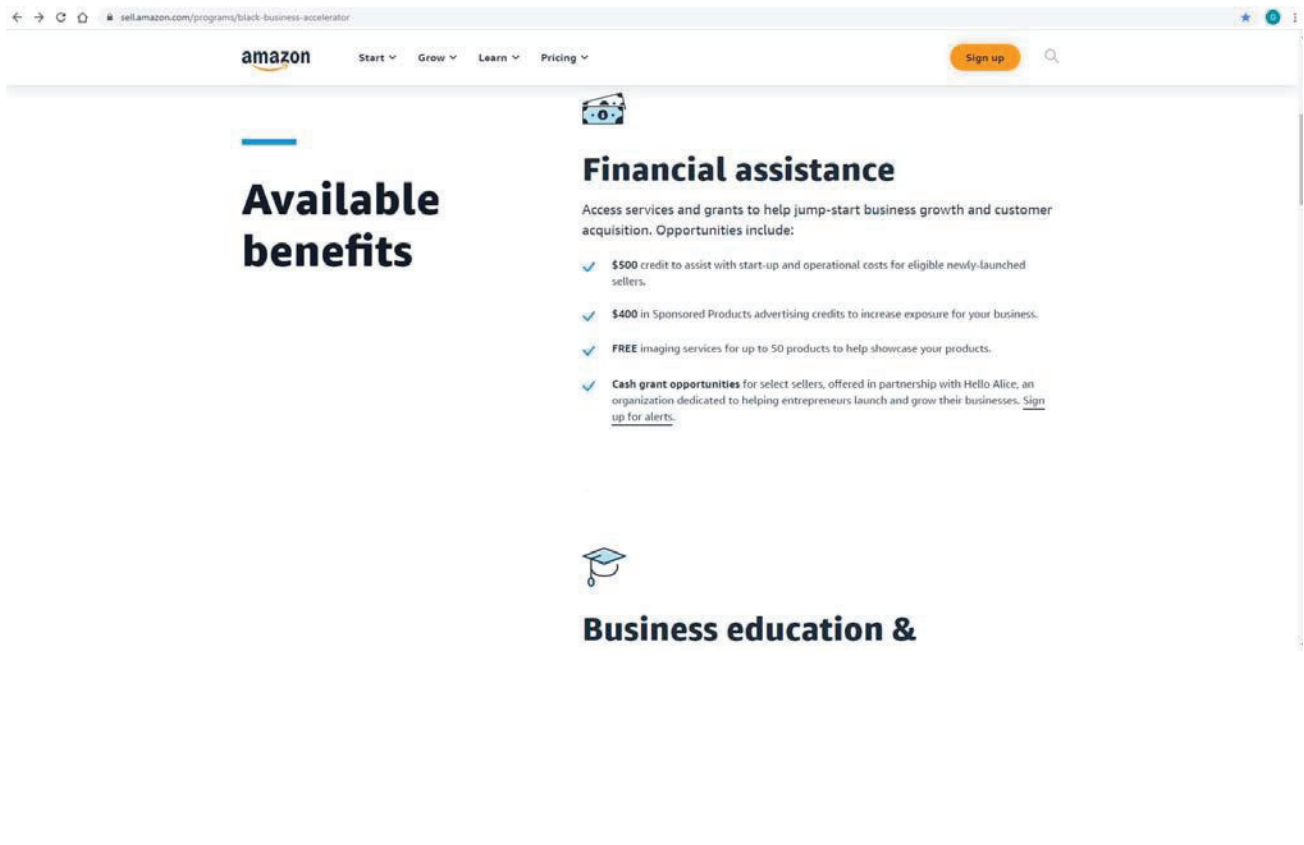
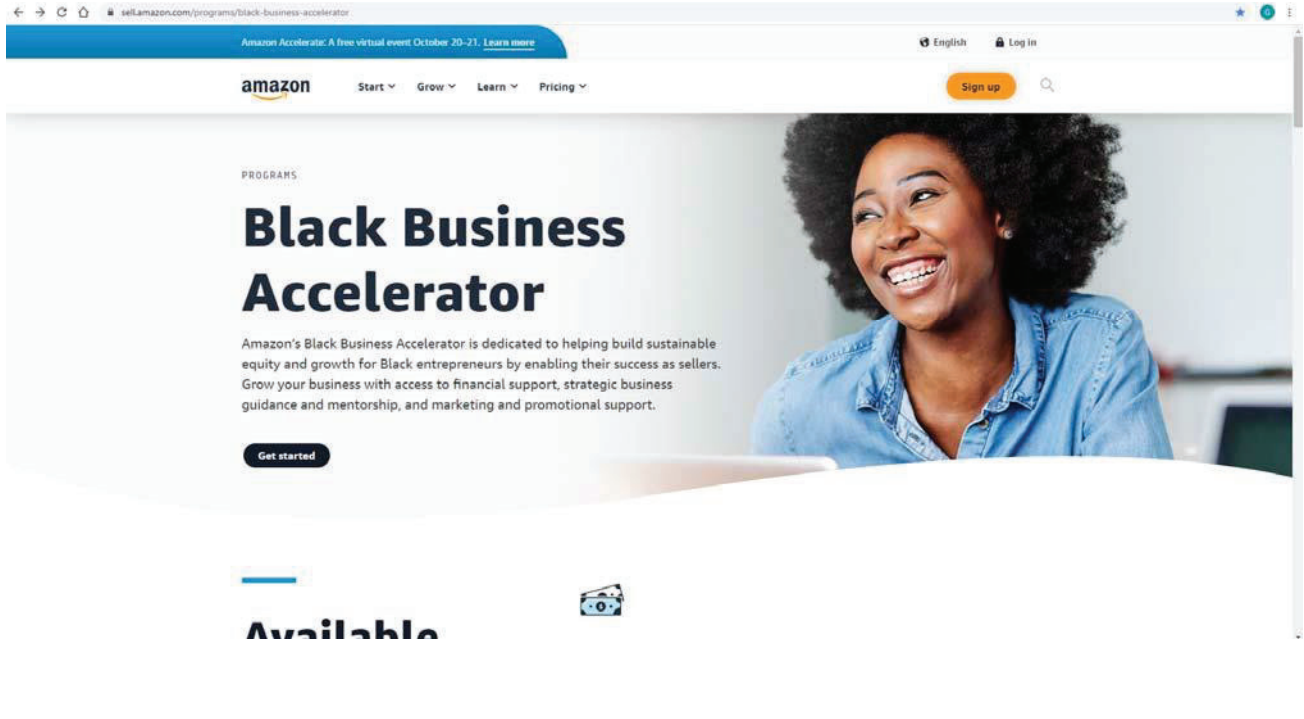


EXHIBIT 8



Start ▾ Grow ▾ Learn ▾ Pricing ▾

Sign up



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4 | **Available**

5 | **benefits**

Business education & mentorship

Access a minimum of one year of strategic advisory services to get the coaching, training, and insights you need to take your business to the next level. Connect with a dedicated network of business mentors, including Amazon experts and small business thought leaders, to continue to accelerate your business growth.



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9 | **Marketing & promotional**

10 | **support**

Access new opportunities to be featured in the Black-owned business storefronts for [Amazon retail customers](#) and [Amazon Business customers](#) and promotions featuring Black-owned businesses that will help customers find products from your business throughout the shopping experience.

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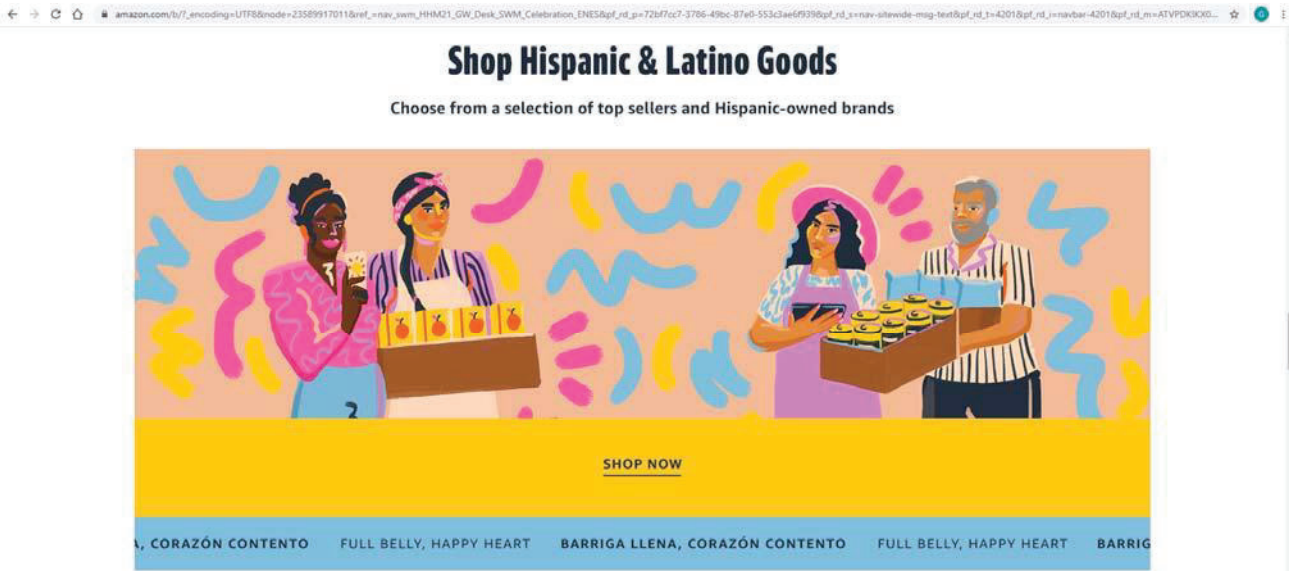
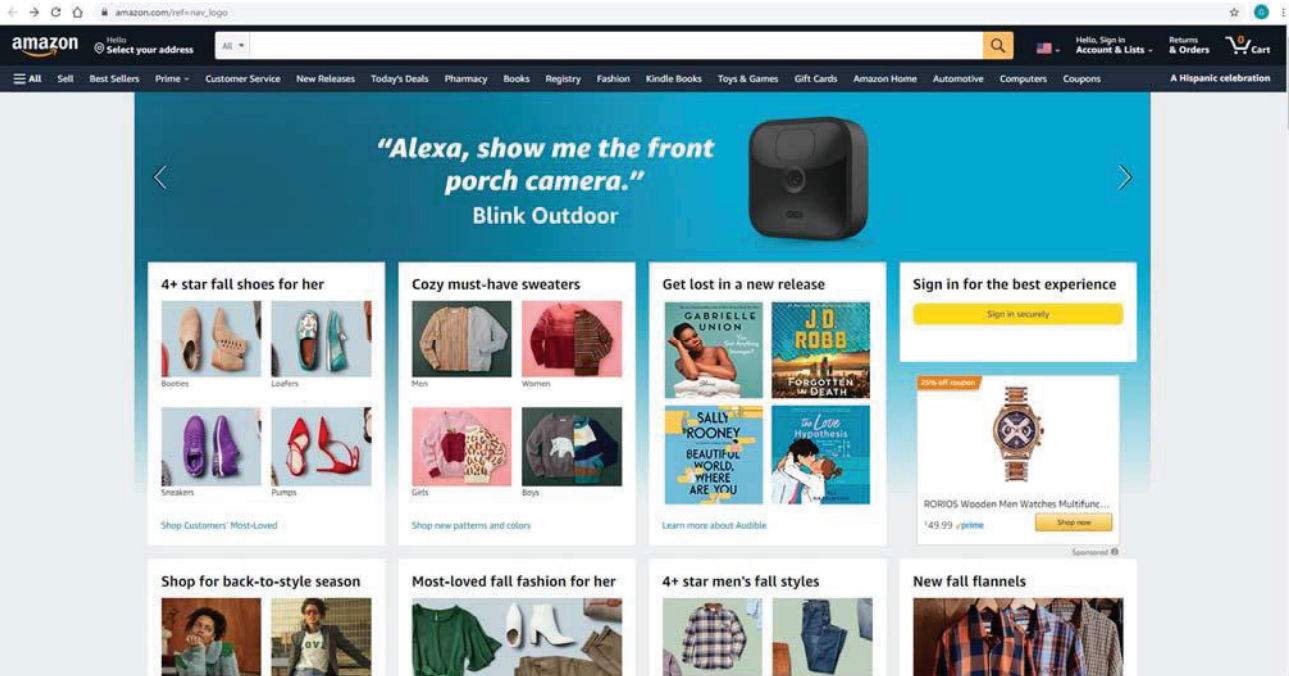
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27 | **EXHIBIT 8 (continued)**

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Hispanic & Latino Trailblazers at Amazon

EXHIBIT 9

amazon.com/gp/Hispanic-Goods/gfz/events/ref=s9_acsi_bv_cg_HHM21HG_1a1_w?categoryId=Hmshopbpf_rd_j=23589917011&pfd_rd_m=ATVPDKIKX0DER&pfd_rd_p=8066904a-c208-4dbd-8b4b-d5d4c24132d5&pfd_rd_r=1H0YRNRK181W5Z2W45pCrd_s...

HISPANIC GOODS [Back to top](#) Price all prices Deals Gift Wrap Available

<p>Mr. Tortilla 1 Net Carb Tortillas (96 Tortillas) Keto, Vegan, Kosher (Multigrain) ★★★★★ 4,281 \$29.99 - \$34.99</p>	<p>Juan Valdez Coffee Organic Gourmet Medium Roast Whole Bean Colombian Coffee 17.6 oz ★★★★★ 311 \$17.50</p>	<p>Buoy Natural Electrolyte Drops 40 Servings Contains Minerals, Vitamins & Antioxidants ... ★★★★★ 2,165 \$12.99</p>	<p>Leave-in Conditioner Hair Detangler Spray with Argan Oil & Keratin - Sulfate Free... ★★★★★ 158 \$21.00</p>	<p>Cholula Hot Sauce 5 fl oz Variety Pack, 6 count Original, Green Peppers, Chipotle, Chili Garlic... ★★★★★ 2,117 \$26.19</p>
<p>SAL DE UVAS PICOT Effervescent Powder Solution, Antacid, 0.17 Oz Each Sachet, 6-Pack ★★★★★ 1 \$11.10</p>	<p>Nestlé ABUELITA Hot Chocolate Drink Tablets ★★★★★ 4,589 \$3.18 - \$23.10</p>	<p>Don Francisco's & Cafe La Llave Espresso Capsules Variety Pack 10 Each, Recyclable... ★★★★★ 1,454 \$26.99</p>	<p>Meet Rizo's Curls Shop now</p>	
<p>Lana Suroara - 100 g Palo Santo Smudging Sticks From Peru Sustainably Harvested... ★★★★★ 5,819 \$12.99</p>	<p>Unique Mexican Blue Ceramic Tortilla Warmer Pancake Holder Talavera Pitchery 8 in... ★★★★★ 33 \$58.99</p>	<p>Art Gallery Kuchikuru Everlasting Imprint Black/White, Quilting Fabric by the Yard ★★★★★ 15 \$10.50 - \$12.87</p>	<p>Art Gallery Homebody Crafted Blooms Vanilla, Quilting Fabric by the Yard ★★★★★ 0 \$12.65</p>	<p>Art Gallery Pine Lullaby Bedcovered Line Markings Black/White, Quilting Fabric by th... ★★★★★ 1 \$12.49 - \$12.66</p>

EXHIBIT 9 (continued)

Shop thousands of products from small and diverse sellers

Contact us



Advance your supplier diversity initiatives with Amazon Business

Simplify purchasing and reporting for your supplier diversity program and empower the communities your organization supports. Diversity Certifications Policies can help you connect with businesses identified as small, minority, woman, veteran, and LGBT-owned.



Streamline discovery of products from small and diverse sellers

Implement an organization-wide or departmental Diversity Certifications Policy to highlight and prefer products sold by small and diverse sellers who hold select certifications. Administrators can create the policy, highlighting offers within a specified pricing threshold as "Organization preferred."



Provide strategic purchasing flexibility for buyers

Buyers have visibility to "Organization preferred" offers along with similar products from non-certified sellers all in one place for strategic purchasing flexibility. In addition to comparing similar products from different sellers, buyers can review and validate the certifications uploaded by sellers.



Simplify reporting on corporate or team goals

Track spend with small and diverse sellers and simplify reporting on corporate or team goals. Use Amazon Business Analytics to create exportable reports of orders filtered by seller certifications.

Recognized certifying agencies include:

- Department of Veterans Affairs (VA)
- National LGBT Chamber of Commerce (NGLCC)
- National Minority Supplier Development Council (NMSDC)
- National Veteran Business Development Council (NVBDC)
- Small Business Administration (SBA)
- SupplierGATEWAY
- System for Award Management (SAM)
- Women's Business Enterprise National Council (WBENC)
- And other certifying agencies

[View recognized certifications](#)

EXHIBIT 10

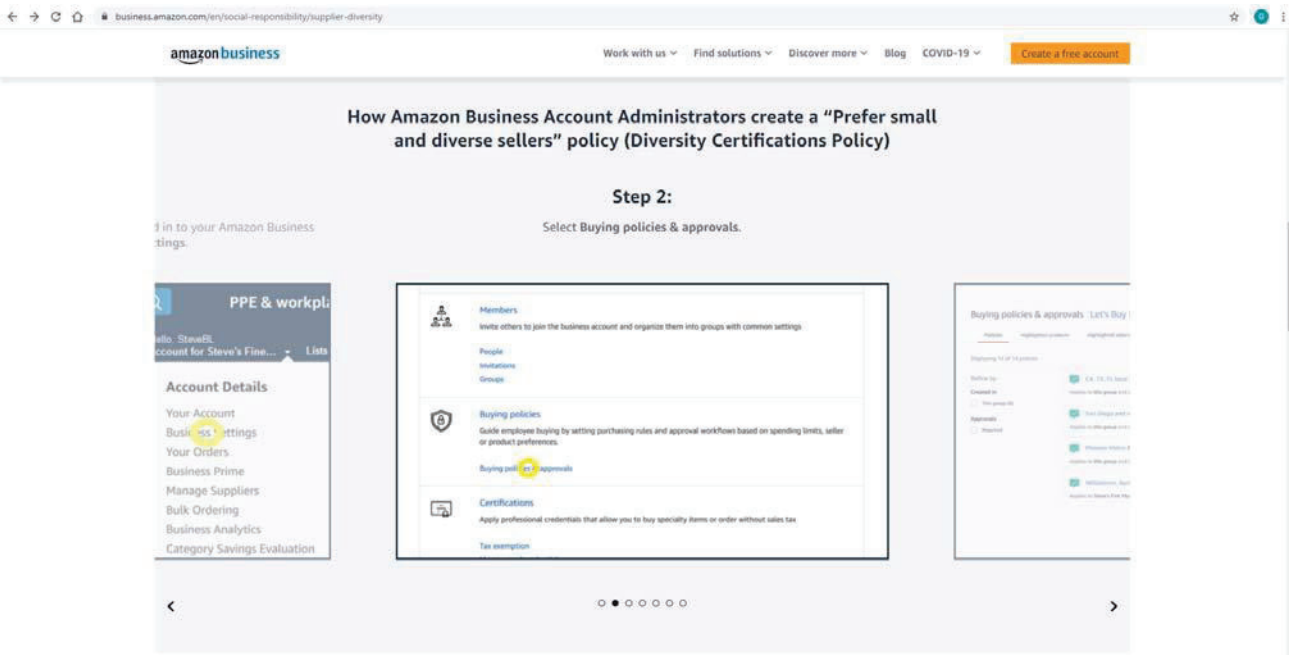
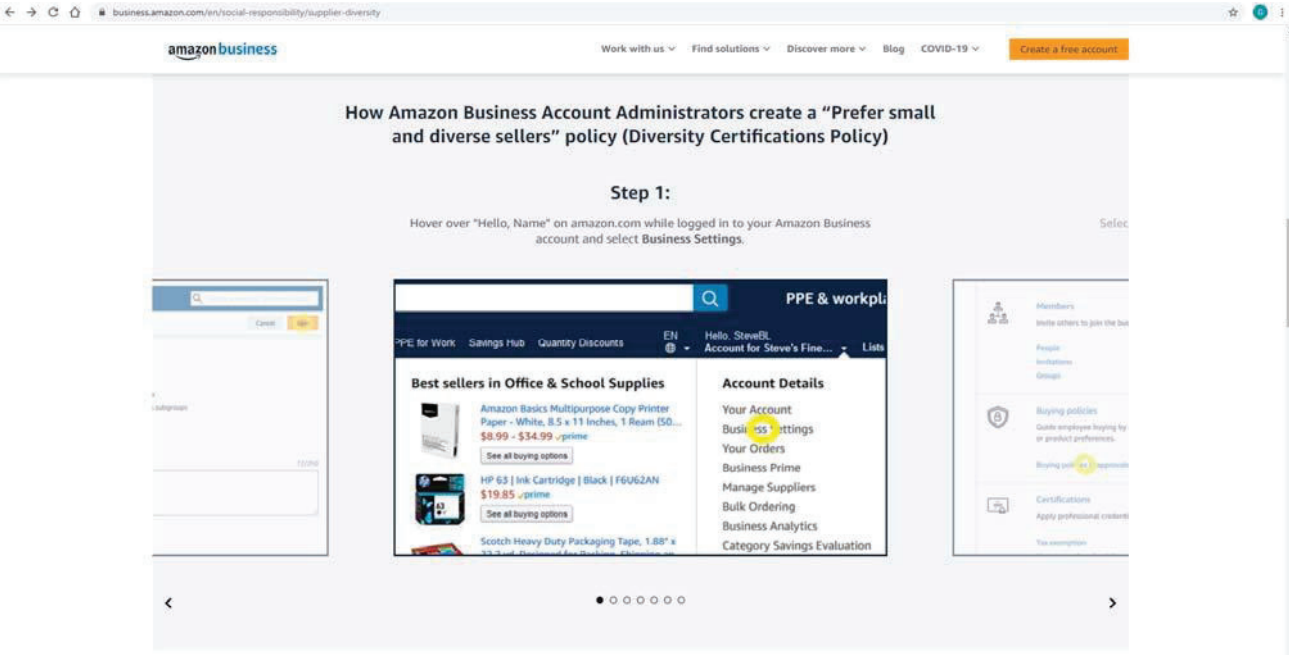


EXHIBIT 10 (continued)

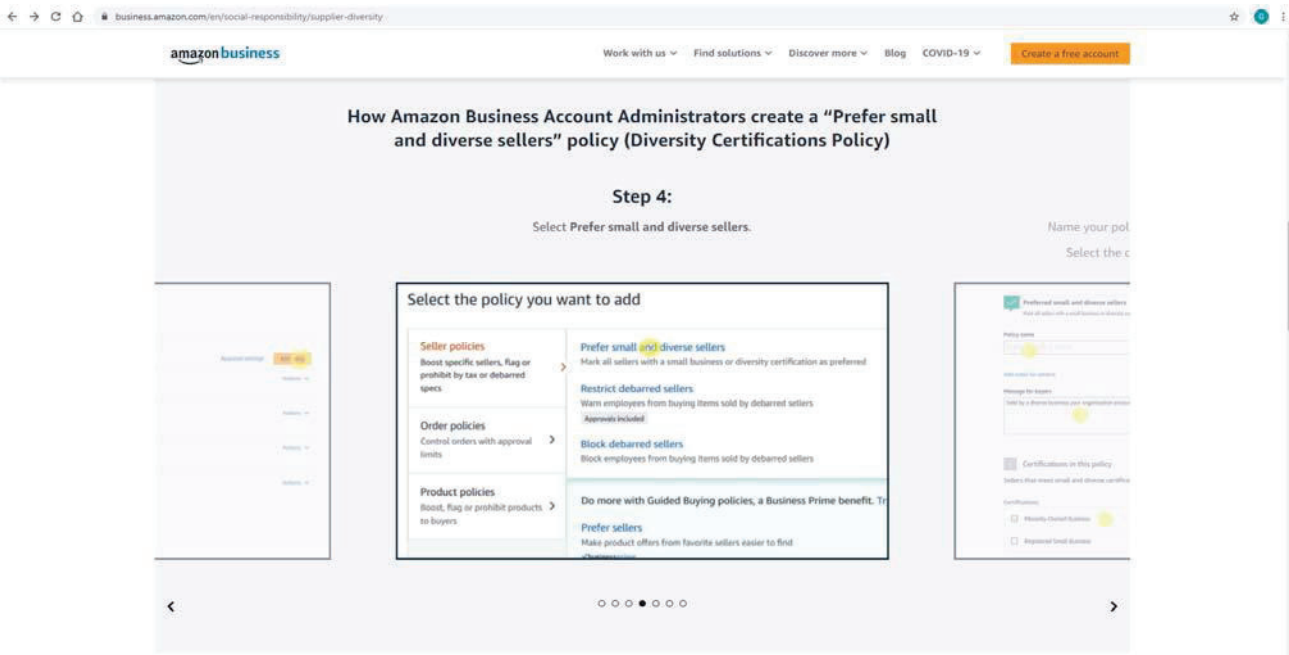
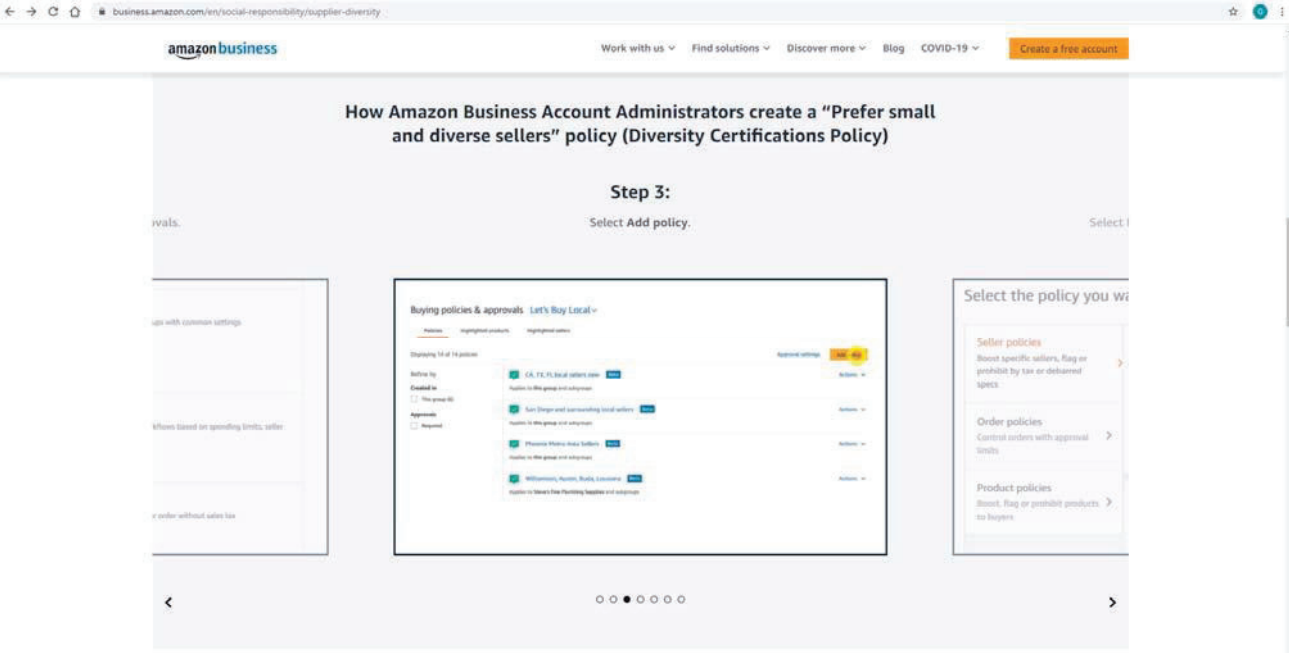


EXHIBIT 10 (continued)

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business.amazon.com/en/social-responsibility/supplier-diversity

amazon business Work with us Find solutions Discover more Blog COV

How Amazon Business Account Administrators create a “Prefer small and diverse sellers” policy (Diversity Certifications Policy)

Steps 5 & 6:

1. Name your policy and personalize a message to buyers.
2. Select the certifications to include in your policy.

business.amazon.com/en/social-responsibility/supplier-diversity

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How buyers discover preferred small and diverse sellers

Buyers will see offers from preferred small and diverse sellers highlighted as “Organization preferred” within their shopping experience.





EXHIBIT 10 (continued)

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← → ↻ https://www.amazon.com/s?k=outdoor+timeers&ref=nb_sb_noss_2 ☆ ☆ Not syncing

pool cleaner. You can set it to handle ... multiple... other h...

Sold by certified minority-owned businesses

			
Fosmon C-10707US Outdoor 15A 24-Hour Mechanical Light Timer, 3-Prong ETL Listed Water Resistance and Heavy...	Fosmon C-10707US Outdoor 15A 24-Hour Mechanical Light Timer, 3-Prong ETL Listed Water Resistance and Heavy...	Outdoor Timer 3 Outlet, Fosmon 15A 24-Hour [3 US Socket] Mechanical Light Timer, 3-Prong ETL Listed...	Fosmon Dual Outdoor Timer Outlet, 15A 24-Hour Mechanical Light Timer, 3-Prong ETL Listed Water...
★★★★☆ ~ 3,351	★★★★☆ ~ 3,351	★★★★☆ ~ 299	★★★★☆ ~ 910
\$15 ⁹⁹	\$26 ⁹⁹	\$20 ⁹⁹	\$15 ⁹⁹
Sold by: SF Planet	Sold by: SF Planet	Sold by: SF Planet	Sold by: SF Planet

Best Seller

https://www.amazon.com/Outdoor-Fosmon-Mechanical-Resistance-Grounded/dp/B07NSHQKHM/ref=sxin_10_BDG-DB8C-sx_mba?cv_ct_ct=outdoor+timer&dchild=1&keywords=outdoor+timer&pd_rd_i=B07NSHQKHM&pd_rd_r=d3...

EXHIBIT 11