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County of San Diego
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Clerk of the Superior Court
By C. Martinez ,Deputy Clerk

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO**

DARCY MATTHEWS, on behalf of
herself and others similarly situated,

Plaintiff,

v.

LEMONADE INSURANCE CO.

Defendant.

Case No. 25CU004365C

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

Assigned for All Purposes to:
Dept.
Judge:

1 Plaintiff Darcy Matthews (“Plaintiff”) brings this class action against Defendant Lemonade
2 Insurance Company (“Defendant” or “Lemonade”) on behalf of herself and all others similarly
3 situated, alleging that Defendant has violated the Unruh Civil Rights Act and section 51.5 of the
4 California Civil Code by denying older people and women access to information about its
5 insurance products and services through advertisements on social media platforms.

6 INTRODUCTION

7
8 1. Plaintiff is a 73-year-old woman, a resident of California, and a user of social media
9 platforms – including Facebook – that are owned and operated by Meta Platforms, Inc. d/b/a Meta
10 (“Meta”).

11 2. As part of her regular use of Facebook, Plaintiff has been interested in receiving
12 information about insurance products and services (“Insurance Opportunities”), and otherwise
13 being treated equally in her ability to receive Insurance Opportunities through advertisements on
14 digital media platforms.

15 3. Lemonade, an insurance company and Certified B Corp. founded to make
16 Insurance “a social good,” offers renters insurance, homeowners insurance, car insurance, pet
17 insurance, and term life insurance, and specifically in California, Lemonade offers at least renters,
18 homeowners, pet, and life insurance. *Lemonade Giveback*, Lemonade,
19 <https://www.lemonade.com/giveback> (last visited December 23, 2024).

20
21 4. Lemonade advertises its Insurance Opportunities on social media platforms owned
22 and operated by Meta, including Facebook.

23
24 5. Lemonade, however, has denied Plaintiff and countless other female and older
25 Facebook users the opportunity to receive valuable information about Lemonade’s Insurance
26 Opportunities through its discriminatory online advertising practices. By denying them this
27 information through its discriminatory advertising, Lemonade is able to accomplish what it is
28 otherwise prohibited by law from doing: selecting its target demographic – younger men – and

1 thereby denying older people and women the opportunity to learn about and obtain important
2 insurance products and services.

3 6. Advertisements for Insurance Opportunities have real value, not just for the
4 advertiser who is trying to acquire a customer but also for the consumer whose economic
5 opportunity or security may be enhanced by clicking on an ad that leads to an opportunity to secure
6 insurance from Lemonade. And even if the advertisement does not result in the customer obtaining
7 insurance from Lemonade, it may help consumers to become more informed as they consider
8 whether to seek out new insurance or stick with the coverage they already have.
9

10 7. Unfortunately, all people do not have an equal opportunity to receive the valuable
11 advertisements and information that Lemonade offers in its advertisements about Insurance
12 Opportunities on Facebook. That is because Lemonade has consciously chosen to discriminate
13 based on gender and age when providing advertisements for Insurance Opportunities.
14 Consequently, women and older people are routinely denied the opportunity to receive these
15 valuable advertisements and information when using Facebook.
16

17 8. Lemonade's discrimination against women and older people is simple and crude:
18 when Lemonade advertises on the Facebook platform, it tells Meta the unique audience that will—
19 and will not—receive its advertisements based on various data points or categories that Meta
20 associates with each user, including gender and age. As a result, Lemonade routinely tells Meta to
21 send its ads for Insurance Opportunities only to younger people or men, and not to send those same
22 ads to women and older Facebook users.
23

24 9. Lemonade's conduct clearly runs afoul of California's public accommodations law.
25 As a business establishment operating in California, Lemonade must provide equal services to all
26 its customers, and advertisements or information about Insurance Opportunities are one of the
27 services, advantages, privileges, and accommodations that Lemonade provides its customers.
28 Without this critical information, consumers are unable to access or obtain the Insurance

1 Opportunities that Lemonade provides. But Lemonade systematically denies this critical service
2 to women and older people solely because of their gender and/or age when it steers advertisements
3 and information about Insurance Opportunities towards younger people and men and away from
4 women and older people.

5 10. California’s public accommodation laws have long required “all business
6 establishments of every kind whatsoever” to treat their customers equally without regard to sex,
7 age, race, or other protected traits.” Cal. Civ. Code § 51, 51.5. For decades, bars, restaurants, and
8 other establishments in California have been prohibited from using race, gender, or age to offer
9 better services or lower prices to certain customers, to segregate customers, or to exclude particular
10 groups from receiving products or services.

11 11. The same rules apply to companies like Lemonade that have an obligation not to
12 discriminate against their customers based on gender, age or other protected traits. Nor can
13 companies deny their services or accommodations to female and older customers based on
14 unlawful gender and age-based stereotypes, as Lemonade routinely does when it tells Meta to
15 exclude women and older people from receiving their valuable ads for Insurance Opportunities.

16 12. The California Court of Appeal confirmed that when an advertiser “intentionally
17 target[s] its ads based on users’ ages and gender,” it violates the Unruh Act. *Liapes v. Facebook,*
18 *Inc.*, 95 Cal. App. 5th 910, 926-27 (Cal. Ct. App. 2023), *review denied* (Cal. Jan. 10, 2024).
19 Moreover, the Court of Appeal emphasized that it is not a defense that a company’s advertising
20 practice “may serve a legitimate business interest, such as optimizing an ad’s audience,” when the
21 business is targeting users based on protected traits like gender and age. *Id.* at 925. As the Court
22 of Appeal explained, “while businesses can make economic distinctions in serving customers,
23 those distinctions *must be based on characteristics that ‘could conceivably be met by any*
24 *customer’ – not personal characteristics*” like gender and age. *Id.* (emphasis added).

25 13. By choosing to exclude women and older Facebook users from receiving
26
27
28

1 Lemonade's ads for Insurance Opportunities, Lemonade has segregated, classified, and treated in
2 an unequal, stereotypical, and arbitrary manner individuals based on their gender and age, in
3 violation of California law. *Id.* at 919-23, 926-27. This practice is not only unlawful, but it also
4 economically disadvantages tens of millions of women and older Americans, who are excluded
5 from receiving information about insurance products and services from Lemonade on an equal
6 basis. *See id.* at 922.

7 14. There is no legitimate basis for Lemonade to deny Facebook users advertisements
8 and related information about Insurance Opportunities solely because they are female and/or older.
9

10 15. Lemonade's gender and age discrimination compounds and deepens the persistent
11 problem that women and older people face in obtaining insurance and other Insurance
12 Opportunities on equal terms as younger people and men in the United States. The Insurance
13 Opportunity ads that Lemonade places on Facebook help ordinary people to obtain information
14 about insurance products and services, to decide whether to obtain new insurance or keep their
15 current coverage, and to facilitate applications for products and services that save them money or
16 provide them with better protection and financial security. Withholding this information from
17 women and older people regrettably locks in and amplifies the historical discrimination that
18 women and older people face. This is what digital redlining looks like in the twenty-first century.
19

20 16. Through this action, Plaintiff seeks: (1) a declaration that Lemonade has violated
21 California's Unruh Civil Rights Act and section 51.5 of the California Civil Code in its own
22 business establishment; (2) damages, including statutory penalties for Lemonade's violations of
23 the Unruh Act and section 51.5 of the California Civil Code; and (3) an award of costs and
24 attorneys' fees on behalf of herself and the Class; and (4) other relief as described further below.
25

26 **PARTIES**

27 ***Plaintiff***

28 17. Plaintiff Darcy Matthews is, at the time of the filing, a 73-year-old woman who

1 resides in San Diego, California.

2 18. Plaintiff is an active user of Facebook. As part of her regular use of Facebook, she
3 has been interested in receiving ads for Insurance Opportunities, including ads for Insurance
4 Opportunities from Lemonade, and otherwise being treated equally in her ability to receive
5 Insurance Opportunities and information about Insurance Opportunities through advertisements
6 on digital media platforms.

7 19. Like most California residents, Plaintiff has used Facebook's platform to learn
8 about a range of information, including information on insurance options, services, and products.
9

10 20. During the past three years, Plaintiff has been routinely denied advertisements for
11 Lemonade's insurance opportunities when using Facebook's platforms, because Lemonade
12 excluded Plaintiff, among other older and/or female Californians, from receiving advertisements
13 for Insurance Opportunities on Facebook.

14 ***Defendant***

15 21. Lemonade is a publicly-traded New York-based Corporation that offers at least life
16 insurance, pet insurance, homeowners insurance, and renters insurance to customers in California.
17

18 22. Lemonade's presence in California is critical to its business model. In 2023,
19 Lemonade reported that 25% of its total gross written premiums came from customers in
20 California, the largest share of any state. See Lemonade's 10-K Annual Report at 144,
21 [https://s24.q4cdn.com/139015699/files/doc_financials/2023/ar/lmnd-2023-annual-report-final-4-](https://s24.q4cdn.com/139015699/files/doc_financials/2023/ar/lmnd-2023-annual-report-final-4-24-24.pdf)
22 [24-24.pdf](https://s24.q4cdn.com/139015699/files/doc_financials/2023/ar/lmnd-2023-annual-report-final-4-24-24.pdf) ("10-K").

23 23. Lemonade deliberately targets the California consumer market. For example,
24 Lemonade's website provides statistics on the average cost of renters' insurance in major
25 California cities and states that its insurance "covers you for a whole range of bad things that
26 could happen—from getting your phone swiped at Coachella to having your valuables damaged
27 by wildfires." California Renters Insurance,
28

1 <https://www.lemonade.com/renters/expained/renters-insurance-california/#costs>. Similarly,
2 Lemonade’s California Pet Insurance page targets California customers and provides information
3 about California-specific dangers, including mountain lions, earthquakes, wildfires, and toxic
4 plants, noting that there are “6,300 plants native to California, making it the state with the richest
5 plant diversity in the country.” California Pet Insurance,
6 <https://www.lemonade.com/pet/expained/california-pet-insurance-guide/>.

7
8 24. Lemonade’s insurance subsidiary, Metromile Insurance Company, is domiciled in
9 California and licensed as an insurance agent in California. *See* 10-K at 35.

10 25. Lemonade also carries out its business operations in California, maintaining two
11 leases on physical office space in San Francisco. *See* 10-K at 141.

12 26. Lemonade advertises Insurance Opportunities to its over two million customers
13 and countless other potential customers in the United States, including Californians.

14 **JURISDICTION AND VENUE**

15 27. The Court has jurisdiction over this action because the action involves issues of
16 California state law.

17
18 28. Venue is proper in this judicial district pursuant to section 12965 of the California
19 Government Code, because the injury to Plaintiff occurred in San Diego County.

20 **FACTUAL ALLEGATIONS**

21 29. Lemonade holds itself out as a different kind of insurance company, “legally
22 committed to making a positive social impact” as a certified B Corp. Lemonade Giveback,
23 <https://www.lemonade.com/giveback>. Notwithstanding this laudable stated commitment,
24 Lemonade’s discriminatory advertising practices excluded Plaintiff and other female and older
25 Facebook users from receiving Lemonade’s advertisements for Insurance Opportunities.
26

27 30. Lemonade pays Meta to place their advertisements on users’ Feeds on Facebook.

28 31. Digital advertising, including on social media platforms like Facebook, is

1 Lemonade’s “primary channel of advertisement.” 10-K at 10.

2 32. Lemonade’s advertisements show that it has used Meta’s audience selection tools
3 to select only males or only people within a younger age range that excludes individuals like
4 Plaintiff.

5 33. When Facebook users join Facebook, they are required to tell Meta their gender
6 and age information, and Meta then uses that information to segregate, classify, categorize, and
7 discriminate against users based on gender and age.

8 34. Lemonade uses Meta’s segregation, classification, and categorization of users
9 based on gender and age to advertise Insurance Opportunities to younger and male Facebook users,
10 thereby intentionally, knowingly and purposefully discriminating against women and older
11 persons.
12

13 35. Lemonade chooses to advertise on Facebook because Meta offers advertisers the
14 ability to exclude women and older people from receiving ads for Insurance Opportunities. These
15 functionalities are audience selections that exclude Facebook users from receiving advertisements
16 based on gender and age. Upon information and belief, Lemonade has instructed or expected Meta
17 to apply this tool to segregate, classify, and discriminate against users — including women and
18 older persons — based on age and gender in an effort to advertise to a specific audience.
19

20 ***How Lemonade Used Meta’s Audience Selection Functions to Discriminate***

21 36. When Lemonade seeks to advertise to Facebook users on Facebook, Lemonade
22 specifies the parameters of the specific audience of Facebook users who will be eligible to receive
23 the advertisement (“audience selection”). Once the audience selection is completed, Lemonade
24 determines the image and text of the ad, identifies the Facebook page or other web page to which
25 the ad will link, and purchases a certain number of impressions or clicks. (An impression occurs
26 every time a Facebook user is shown an ad on Facebook. A click occurs every time a Facebook
27 user clicks on an ad on Facebook.) Meta then sends the advertisement to some portion of the
28

Facebook users within the audience selection that Lemonade has chosen. Any Facebook user who is not within the audience selection will not have the opportunity to receive that specific paid advertisement. For example, an audience selection that is targeted to men will never be shown to someone who identifies as female; and an ad targeted to persons who are 30 to 49 will never be shown to a person older than 49.

37. Every time that Lemonade purchases an advertisement for Insurance Opportunities on Facebook and tells Meta to send the advertisement to Facebook users within an audience selection that excludes persons from receiving ads based on a protected status such as gender or age, Lemonade knows, wants, and intends for the ad only to be sent to the persons within the audience selection and it knows, wants, and intends for the ad to be denied to and steered away from persons who are excluded from the audience selection. For example, when Lemonade selects an audience selection of men, Lemonade knows, wants, and intends for the ad to only be shown to men and knows, wants, and intends for no women to be shown the ad. Similarly, when Lemonade selects an audience of people who are 25 to 44, it knows, wants and intends for no one over 44 to be shown the ad.

38. When Lemonade determines the audience selection for its Facebook advertisements for Insurance Opportunities, it makes three selections that establish the basic parameters of the audience selection: (1) age; (2) gender; and (3) location. Meta's audience selection tools are presented to Lemonade through drop down menus that make clear that Lemonade can include or exclude persons based on certain characteristics from their audience selections. These tools classify, categorize, and segregate Facebook users based on their gender and age.

39. For Lemonade, one of the main benefits of advertising on Facebook is Facebook's trove of information about users' gender and age (both of which users must provide to Meta when they sign up for Facebook accounts), and Facebook users cannot opt out of audience selection

1 exclusions that advertisers make and Meta implements (*i.e.*, Facebook users cannot ask Meta or
2 advertisers to treat them equally and/or send them advertisements when the user's gender or age
3 has been excluded by the audience selection). As a result, Lemonade has the ability to target its
4 ads for Insurance Opportunities to a massive and hyper-specific audience without having to collect
5 demographic data themselves.

6 40. When Lemonade and other advertisers determine the audience selection for their
7 ads on Facebook, Facebook presents a default age range of "18-65+," which means that anyone
8 who is 18 years old or older would be within the audience selection and, in turn, would be eligible
9 to receive the ad. Likewise Facebook presents a default gender range of All Genders, which means
10 that people of all genders would be within the audience selection and, in turn, would be eligible to
11 receive the ad.
12

13 41. But Facebook provides Lemonade and other advertisers with the option to limit the
14 age and gender of the Facebook users who will be within the audience selection and, in turn,
15 eligible to receive the advertisement, rather than using the default setting of all genders and 18-
16 65+.
17

18 42. When Lemonade publishes ads on Facebook, it is not necessary for Lemonade to
19 exclude women or older people from the audience selection in order to focus its advertisements on
20 a smaller population of people who might be interested in Lemonade's Insurance Opportunities.
21 That's because there are tens of thousands of additional categories (other than age, gender, and
22 location) that Lemonade could rely on from Meta's database that limit the audience selection based
23 on the perceived interests, behaviors, demographics, and fields of study of Facebook users. As a
24 result, when setting the audience selection advertisers like Lemonade can tell Meta to only include
25 or exclude Facebook users whom Facebook associates with specific interests, behaviors,
26 demographics, and fields of study.
27

28 43. Lemonade is not required by Meta to choose among those tens of thousands of

1 categories. But many of these categories cover or describe things that relate to Lemonade's
2 products and services, such as people interested in life insurance, pets, rentals or homeownership,
3 or insurance generally.

4 44. When Lemonade excludes women or older people from the audience selections of
5 its ads for Insurance Opportunities on Facebook, Lemonade follows step-by-step instructions
6 provided by Meta on how to click through the various, pre-populated menus to "include" certain
7 types of people and "exclude" other types of people.

8 45. Upon information and belief, Lemonade expects, knows, and intentionally excludes
9 women and older persons – including Plaintiff – from its audience selections so that women and
10 older persons will not receive various advertisements for Lemonade's Insurance Opportunities on
11 Facebook.
12

13 ***Lemonade's Discrimination Against Women and Older Persons, Including Plaintiff***

14 46. During all relevant periods, Lemonade has routinely and systematically excluded
15 women and older persons—including Plaintiff—from its business services by intentionally,
16 knowingly, and purposefully excluding women and older persons from audience selections for
17 various Lemonade ads related to Insurance Opportunities, and, accordingly, denying women and
18 older persons such Insurance Opportunities because of their age and gender.
19

20 47. During the relevant periods, Plaintiff was interested in receiving information about
21 Insurance Opportunities, including by using Facebook. Plaintiff was interested in receiving
22 advertising and information about Lemonade's Products and Services via advertisements on her
23 Facebook Feed.
24


25 48. At all relevant times, Lemonade has routinely used Meta's audience selection
26 functions to exclude women and older persons from receiving various advertisements for
27 Insurance Opportunities. In doing so, Lemonade regularly denied Plaintiff information about
28 Insurance Opportunities and Insurance Opportunities by excluding her from receiving Facebook

1 advertisements about those Products and Services, including the types of Products and Services
2 she would have clicked on and pursued.

3 49. Upon information and belief, by being denied information about Insurance
4 Opportunities on Facebook and Insurance Opportunities, Plaintiff and members of the proposed
5 Class were denied the full and equal accommodations, advantages, facilities, and services of
6 Lemonade.

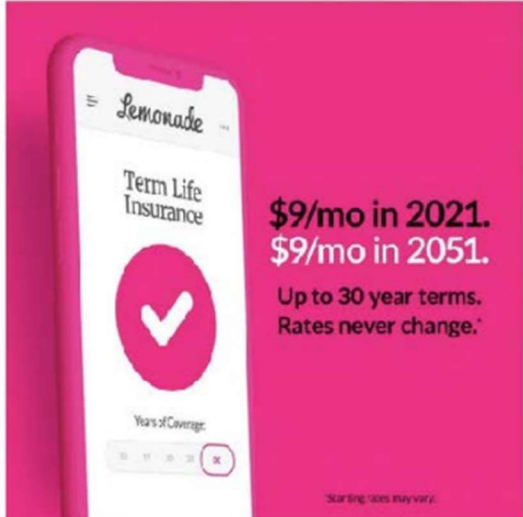
7 50. The following advertisements are examples of where Lemonade directed Meta to
8 apply gender and/or age-restricted audience selections that denied women and/or older persons,
9 including Plaintiff, the full and equal accommodations, advantages, facilities, and services, during
10 all relevant periods. Upon information and belief, the following examples are only two of many
11 advertisements for Insurance Opportunities that Lemonade denied Plaintiff because of her gender
12 and/or age.
13

14 51. For example, Plaintiff was denied the following Lemonade advertisement for
15 fixed-rate life insurance, based on her age and gender, because the advertisement was only sent
16 to men ages 20 to 60 (at a time when she was 73 years old and female) and thus excluded all
17 women and all people older than 60, like Plaintiff. She was interested in receiving this
18 advertisement to consider and pursue the Insurance Opportunities presented therein.
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Lemonade


Sponsored


A lot can change in 30 years but your life insurance rate won't.



LEMONADE.COM/LIFE
Next Generation Life Insurance

Get Quote


Only you can see this




Why You're Seeing This Ad

You're seeing this ad because your information matches [Lemonade's](#) advertising requests. There could also be more factors not listed here. [Learn More](#)

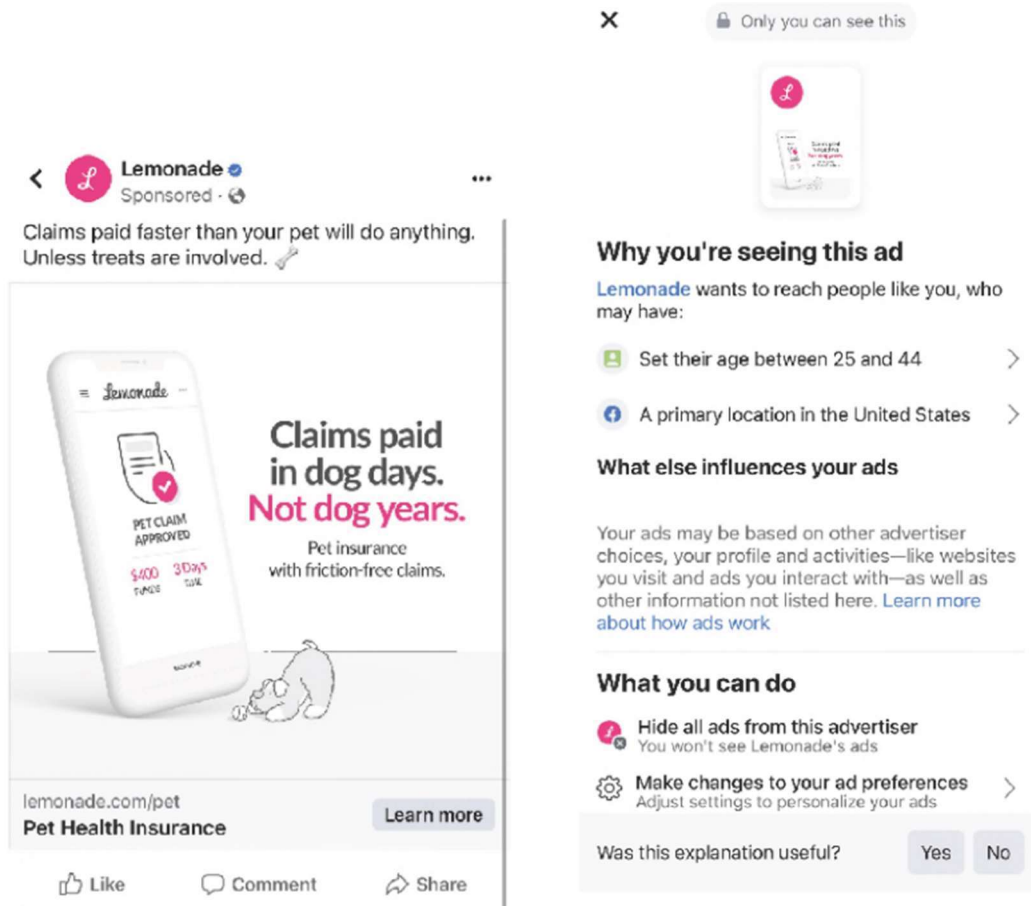
- Lemonade wants to reach **people who may be similar to their customers.**
- Lemonade is trying to reach **males, ages 20 to 60.**
- Lemonade is trying to reach people whose primary location is **the United States.**

What You Can Do

 Hide all ads from this advertiser

Was this explanation useful? Yes No

52. Plaintiff was also denied the following Lemonade advertisement for pet insurance based on her age, because the advertisement was only sent to people ages 25 to 44 (at a time when she was 73) and thus excluded all people older than 44 like Plaintiff. She was interested in receiving this advertisement to consider and pursue the Insurance Opportunities presented therein.



53. In neither of these instances identified above was it lawful for Lemonade to refuse to sell or provide its Products or Services to women or older people based on gender or age.

54. If Lemonade had not engaged in the discriminatory practices challenged in this action, Plaintiff would have received the Insurance Opportunities identified above that she was interested in receiving and she would have had a greater chance of receiving those advertisements. In the case where the advertisement excluded people of her gender *and* age, Plaintiff had no chance of receiving those ads because of her age and gender and Lemonade's use of age and gender to deny her those ads.

55. During all relevant periods, Lemonade has known that it was denying information and advertisements about these and other types of Insurance Opportunities to tens of millions of women and older persons on Facebook in California, and it intended and wanted to discriminate

1 against women and older persons in denying them such information and advertisements about
2 Insurance Opportunities. Every time Lemonade paid to display an advertisement to Facebook
3 users and selected demographic criteria that excluded women and/or older people from receiving
4 its ads, Lemonade knew, intended, and wanted those persons to be excluded from or discriminated
5 against in its business establishment. In doing so, Lemonade knew, intended, and wanted women
6 and older people to not receive the full and equal enjoyment of Lemonade's services and instead
7 to receive inferior treatment vis-à-vis younger men.
8

9 **CLASS ALLEGATIONS**

10 56. Plaintiff hereby incorporates by reference all preceding paragraphs as alleged
11 above as if fully set forth herein.

12 57. Plaintiff brings this class action on behalf of a Class of all persons in California
13 who from three years prior to the filing of the Complaint through the date of judgment (1) were
14 Facebook users; (2) were located in California; (3) were at least 40 years old or were women of
15 any age; and (4) were excluded or will be excluded due to their age and/or gender from the
16 audience selection of at least one Lemonade advertisement related to Insurance Opportunities.
17

18 58. Plaintiff is a member of the Class she seeks to represent.

19 59. Not included in the Class are the following individuals and/or entities: Lemonade's
20 officers and directors and all judges assigned to hear any aspect of this litigation, as well as their
21 staffs and immediate family members.

22 60. This action may properly be maintained as a class action pursuant to section 382 of
23 the California Code of Civil Procedure, because the Class is ascertainable, there is a well-defined
24 community of interest in the litigation, and the Class is manageable in that certification would
25 produce substantial benefits to both the litigants and the Court.
26

27 61. The Class is so numerous that joinder of all members is impracticable. The exact
28 size of the class is not known. Upon information and belief, the Class consists of millions of

Facebook users.

62. There are questions of law and fact common to the Class, and these questions predominate over any questions affecting only individual members. Common questions include, among others:

63. Were Plaintiff and the Class Members excluded from receiving and/or denied advertising and information about Insurance Opportunities because of their age or gender, and did such discrimination violate the Unruh Act and section 51.5 of the California Civil Code?

64. Did Lemonade deny Plaintiff and Class Members their right to full and equal accommodations, advantages, facilities, and services of those companies in violation of the Unruh Act and section 51.5 of the California Civil Code?

65. What types of injunctive and/or declaratory relief should be ordered with respect to Lemonade's past and ongoing pattern, practice, and/or policy, and what damages should be awarded to Plaintiff and Class Members?

66. Plaintiff's claims are typical of the claims of the Class Members in that they arise from the same pattern or practice and rely upon the same legal theories that the challenged pattern or practice violates California's Unruh Civil Rights Act and section 51.5 of the California Civil Code.

67. Plaintiff will fairly and adequately represent and protect the interests of Class Members. Plaintiff has no conflict with Class Members. Plaintiff has retained experienced counsel who have substantial experience in civil rights and class action litigation and who will vigorously prosecute the action on behalf of the class.

68. A class action is superior to other available methods for the fair and efficient adjudication of this litigation. By resolving the common issues described above in a single class proceeding, all Class Members will receive a determination of whether Lemonade engaged in a pattern, practice, or policy of denying women and older persons the full and equal

1 accommodations, advantages, facilities, and services of Lemonade’s business establishment based
2 on their gender and age. Concentration of the litigation in this forum is desirable, as this action
3 challenges a company-wide practice and it will benefit the Class Members to have all of the Class
4 Members’ claims adjudicated in a single proceeding. This class action can be managed without
5 undue difficulty.

6
7 **FIRST CAUSE OF ACTION**
8 **Sex and Age Discrimination in Violation of Unruh Civil Rights Act**
9 **Cal. Civil Code §§ 51, 52(a)**
10 **(On Behalf of Plaintiff and the Class)**

11 69. Plaintiff realleges and incorporates by reference all other paragraphs as alleged
12 above.

13 70. The Unruh Act provides that “All persons within the jurisdiction of this state are
14 free and equal, and no matter what their sex, race, color, religion, ancestry, national origin,
15 disability, medical condition, genetic information, marital status, sexual orientation, citizenship,
16 primary language, or immigration status are entitled to the full and equal accommodations,
17 advantages, facilities, privileges, or services in all business establishments of every kind
18 whatsoever.” Cal. Civ. Code § 51(b).

19 71. The list of protected classes in the Unruh Act is not exclusive and extends beyond
20 the protected classes enumerated in the law. Accordingly, California appellate courts have held
21 that “the Unruh Act proscribes arbitrary discrimination based on an individual’s age—a personal
22 characteristic similar to the classifications enumerated in the Act.” (*Candelore v. Tinder, Inc.*
23 (2018) 19 Cal. App. 5th 1138, 1145.)

24 72. “The purpose of the [Unruh] Act is to create and preserve a nondiscriminatory
25 environment in California business establishments by banishing or eradicating the arbitrary,
26 invidious discrimination by such establishments. The Act stands as a bulwark protecting each
27 person’s inherent right to full and equal access to all business establishments. In enforcing the act,
28

1 courts must consider its broad remedial purpose and overarching goal of deterring discriminatory
2 practices by businesses. The act must be construed liberally in order to carry out its purpose.”
3 (*White v. Square, Inc.* (2019) 7 Cal. 5th 1019, 1025.)

4 73. The California Court of Appeal has confirmed that when an advertiser
5 “intentionally target[s] its ads based on users’ ages and gender,” it violates the Unruh Act. *Liapes*
6 *v. Facebook, Inc.*, 95 Cal. App. 5th 910, 923-27 (Cal. Ct. App. 2023), *review den.* (Cal. Jan. 10,
7 2024) (holding that plaintiff stated a viable claim against Facebook for aiding and abetting
8 advertisers who excluded older and female Facebook users from receiving their insurance
9 advertisements on Facebook). Moreover, the court emphasized that it is not a defense that a
10 company’s advertising practice “may serve a legitimate business interest, such as optimizing an
11 ad’s audience” when the business its targeting users based on protected traits like age. *Id.* at 925.
12 As the Court of Appeal explained, “while businesses can make economic distinctions in serving
13 customers, those distinctions must be based on characteristics that ‘could conceivably be met by
14 any customer’ – not personal characteristics” like age. *Id.* (emphasis added).
15

16 74. Lemonade is a business establishment under the Unruh Act. Lemonade has a
17 significant presence in the California market, it routinely targets California customers through its
18 advertisements for Insurance Opportunities, and it sells insurance to California residents. It has an
19 online place of business that sells products and services to consumers throughout California. Its
20 primary purpose and goal in operating Lemonade is to conduct business, generate revenue, and
21 earn profit. And it earns billions of dollars in revenue from its business activities in California.
22

23 75. The Unruh Act applies to business transactions and services that are conducted
24 through the internet, as well as internet-related conduct that is related to the activities of traditional
25 brick-and-mortar establishments that have fixed, traditional presences.
26

27 76. As described above, Lemonade has intentionally, knowingly, and purposefully
28 engaged in discriminatory practices that deny women and/or older persons the full and equal

1 accommodations, advantages, facilities, and services of Lemonade's business establishment,
2 including but not limited to excluding women and/or older persons from receiving advertisements
3 and information by directing Meta to exclude women and/or older people from receiving such
4 advertisements and information.

5 77. Lemonade is liable to Plaintiff and members of the Class for statutory damages
6 pursuant to section 52(a) of the California Civil Code for each and every offense, as well as
7 attorneys' fees, costs, and expenses incurred in bringing this action.

8 78. Plaintiff is further entitled to all other legal and equitable relief available, including
9 injunctive and/or declaratory relief on behalf of herself and the Class.
10

11 **SECOND CAUSE OF ACTION**
12 **Sex and Age Discrimination in Violation of Cal. Civil Code §§ 51.5, 52(a)**
13 **(On Behalf of Plaintiff and the Class)**

14 79. Plaintiff realleges and incorporates by reference all other paragraphs as alleged
15 above.

16 80. Section 51.5 of the California Civil Code provides that "No business establishment
17 of any kind whatsoever shall discriminate against, boycott or blacklist, or refuse to buy from,
18 contract with, sell to, or trade with any person in this state on account of any characteristic listed
19 or defined in subdivision (b) or (e) of Section 51 . . . because the person is perceived to have one
20 or more of those characteristics, or because the person is associated with a person who has, or is
21 perceived to have, any of those characteristics."

22 81. Through the discriminatory actions and practices described above, Lemonade has
23 intentionally discriminated against, boycotted, and/or refused to provide services to women and
24 older persons based on their gender and age, including by denying women and older persons
25 advertisements and information about insurance and other Insurance Opportunities.
26

27 82. Lemonade is liable to Plaintiff members of the Class for statutory damages pursuant
28 to section 52(a) of the California Civil Code for each and every offense, as well as attorneys' fees,

costs, and expenses incurred in bringing this action.

83. Plaintiff is further entitled to all other legal and equitable relief available, including injunctive and/or declaratory relief on behalf of herself and the Class.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff and the Class pray for relief as follows:

- A. Certification of the case as a class action on behalf of the proposed Class, as a damages class, injunctive/declaratory relief class and/or issue class;
- B. Designation of Plaintiff as the representative of the Class;
- C. Designation of Plaintiff's counsel of record as Class Counsel;
- D. A declaratory judgment that the practices complained of herein are unlawful;
- E. A permanent injunction enjoining Lemonade and its partners, officers, agents, successors, employees, representatives, and any and all persons acting in concert with them, from continuing to engage in acts that violate the Unruh Act and section 51.5 of the California Civil Code;
- F. Such other injunctive and/or declaratory relief as necessary to correct and eradicate the effects of Lemonade's past and present unlawful practices;
- G. Appointment of a monitor to ensure that Lemonade complies with the injunction provisions of any decree that the Court orders;
- H. An order retaining jurisdiction over this action to ensure that Lemonade complies with such a decree;
- I. Statutory penalties, liquidated damages, nominal, and/or exemplary damages, and punitive damages in an amount commensurate with Lemonade's ability to pay and to deter future conduct;
- J. An award of pre-judgment and post-judgment interest on all monetary amounts awarded in this action, as provided by law;
- K. An award of reasonable attorneys' fees, costs (including expert costs), and expenses; and
- L. Such other and further relief that the Court finds equitable, just, and proper.

DEMAND FOR JURY TRIAL

Plaintiff demands trial by jury on all claims and causes of action so triable.

Respectfully submitted,

Dated: January 24, 2025

By: /s/ Jahan C Sagafi

Jahan C Sagafi (SBN 224887)

Alina Pastor-Chermak (SBN 335889)

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Attorneys For Plaintiff and the Proposed Class

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Class Action Lawsuit Claims Lemonade Illegally Excludes Older, Female Facebook Users from Receiving Insurance Ads](#)
