

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF  
WASHINGTON

Gary Levy v. Google LLC

Case No. C23-1678JLR · No. C23-1678JLR · Decided December 22, 2025

SUMMARY

The United States District Court for the Western District of Washington grants Google LLC’s motion for summary judgment in Gary Levy’s employment-related action and denies as moot Google’s motion to continue the trial date. The court concludes that Levy’s claim under Washington’s Silenced No More Act is not cognizable because his reported financial fraud did not concern conduct enumerated in the statute. The court also finds insufficient evidence of pretext for Levy’s wrongful-termination claim and insufficient evidence that Google interfered with or retaliated against him for exercising rights under Washington’s Paid Family and Medical Leave Act.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Western District of Washington                                                                                                                                                                                                                                                                                            |
| WRITING FOR THE COURT | James L. Robart                                                                                                                                                                                                                                                                                                                                                |
| JURISDICTION          | United States District Court for the Western District of Washington                                                                                                                                                                                                                                                                                            |
| DECIDED               | December 22, 2025                                                                                                                                                                                                                                                                                                                                              |
| DOCKET                | C23-1678JLR                                                                                                                                                                                                                                                                                                                                                    |
| DISPOSITION           | dismissed                                                                                                                                                                                                                                                                                                                                                      |
| PROCEDURAL POSTURE    | Plaintiff sued Google LLC in King County Superior Court alleging retaliation under Washington's Silenced No More Act, wrongful termination in violation of public policy, and interference under the Washington Paid Family and Medical Leave Act. Google removed the case to federal court and moved for summary judgment on all claims.                      |
| STANDARD OF REVIEW    | Summary judgment is appropriate when there is no genuine dispute as to any material fact and the moving party is entitled to judgment as a matter of law. The court views the evidence in the light most favorable to the nonmoving party and draws reasonable inferences in that party's favor, but the opposing party must identify specific, triable facts. |
| PRECEDENTIAL VALUE    | unknown                                                                                                                                                                                                                                                                                                                                                        |

TOPICS

summary judgment

whistleblower

wrongful termination

retaliation

family and medical leave act

## PRACTICE AREAS

employment law

civil procedure

employment retaliation

whistleblower protection

family and medical leave

## QUESTIONS PRESENTED

1. Whether Levy's report of financial fraud constituted protected conduct under Washington's Silenced No More Act.
2. Whether Levy presented sufficient evidence to create a genuine dispute that his report of financial violations was a significant factor in his termination and that Google's reduction-in-force explanation was pretextual.
3. Whether Levy presented evidence that Google's termination decision was related to his exercise or attempted exercise of rights under the Washington Paid Family and Medical Leave Act.
4. Whether Levy presented evidence supporting retaliation or discrimination under the Washington Paid Family and Medical Leave Act.

## HOLDINGS

1. Washington's Silenced No More Act protects disclosures or discussions concerning the unlawful conduct expressly enumerated in the statute—illegal harassment, illegal discrimination, illegal retaliation, wage-and-hour violations, or sexual assault—but does not generally protect reports of financial fraud merely because the fraud allegedly violates public policy. Levy's financial-fraud report therefore was not protected conduct under the Act.
2. Levy established enough evidence for a prima facie showing that his public-policy-linked financial-fraud report was a significant factor in the termination, but he failed to produce specific and substantial evidence that Google's legitimate reduction-in-force explanation was pretextual or that his report nevertheless substantially motivated the termination. Summary judgment for Google was therefore proper.
3. A WPFMLA interference claim requires evidence that the employer's adverse action was related to the employee's exercise or attempted exercise of WPFMLA rights. Levy's evidence that Google notified him of his termination while he was on leave, without more, did not establish that required relationship or create a genuine dispute of material fact.
4. Levy failed to provide facts showing that Google terminated him for opposing a practice made unlawful by the WPFMLA or for participating in proceedings governed by that statute. He also failed to show that Google's reduction-in-force explanation was pretextual, so summary judgment was proper on the WPFMLA retaliation claim.

## KEY QUOTATIONS

*“The court agrees with Google that the SNMA applies only to the disclosure or discussion of the types of unlawful conduct expressly enumerated in the statute, and not more generally to conduct that violates public policy.” (at 6)*

*“Mr. Levy fails to present “both specific and substantial” evidence supporting any of these theories of pretext.” (at 10)*

*“Because the WPFMLA “mirrors its federal counterpart,” courts “construe its provisions in a manner consistent with similar provisions of the [Family and Medical Leave Act of 1993 (“FMLA”).]” (at 17)*

## FACTUAL BACKGROUND

Google employed Gary Levy as a manager in its augmented-reality and virtual-reality business from approximately December 2017 until March 31, 2023. In December 2022, Levy reported alleged financial violations concerning Google's partnership with VeriSilicon and claimed protection as a Sarbanes-Oxley whistleblower. Levy then took approved Washington Paid Family and Medical Leave, and Google notified him on January 20, 2023, that his position had been eliminated as part of a company-wide reduction in force affecting 43 of 46 employees in his decisional unit. The court found temporal proximity sufficient to establish a prima facie showing for the wrongful-termination claim, but concluded that Levy lacked specific and substantial evidence that Google's reduction-in-force explanation was pretextual or that his protected conduct or leave motivated the termination.

## PROCEDURAL HISTORY

Levy filed the action in King County Superior Court on October 3, 2023. Google removed it to the Western District of Washington on November 2, 2023. The court granted Google's motion for summary judgment on all claims and dismissed the claims with prejudice; it denied Google's motion to continue the trial date as moot.

## DISPOSITION

dismissed

## CASES CITED

- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248, 252 (1985)
- Celotex Corp. v. Catrett, 477 U.S. 317, 323 (1986)
- Nissan Fire & Marine Ins. Co. v. Fritz Companies, Inc., 210 F.3d 1099, 1102-03 (9th Cir. 2000)
- City of Pomona v. SQM N. Am. Corp., 750 F.3d 1036, 1049-50 (9th Cir. 2014)
- Clicks Billiards, Inc. v. Sixshooters, Inc., 251 F.3d 1252, 1257 (9th Cir. 2001)
- S. California Gas Co. v. City of Santa Ana, 336 F.3d 885, 889 (9th Cir. 2003)
- Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 587 (1986)
- Martin v. Gonzaga Univ., 425 P.3d 837, 844 (Wash. 2018)
- Kama v. Mayorkas, 107 F.4th 1054, 1059 (9th Cir. 2024)
- Villiarimo v. Aloha Island Air, Inc., 281 F.3d 1054, 1061-62 (9th Cir. 2002)

- Godwin v. Hunt Wesson, Inc., 150 F.3d 1217, 1222 (9th Cir. 1998)
- Mackey v. Home Depot USA, Inc., 459 P.3d 371, 386 (Wash. Ct. App. 2020)
- Keenan v. Allan, 91 F.3d 1275, 1279 (9th Cir. 1996)
- Reeves v. Sanderson Plumbing Prods., Inc., 530 U.S. 133, 145 (2000)
- Staub v. Proctor Hosp., 562 U.S. 411, 412 (2011)
- City of Vancouver v. State Pub. Emp. Rels. Comm'n, 325 P.3d 213, 222 (Wash. 2014)
- Mooney v. Roller Bearing Co. of Am., Inc., No. C20-1030LK, 2022 WL 1014904, at \*21 (W.D. Wash. Apr. 5, 2022)
- Crawford v. JP Morgan Chase NA, 983 F. Supp. 2d 1264, 1269-70 (W.D. Wash. 2013)
- Sanders v. City of Newport, 657 F.3d 772, 777 (9th Cir. 2011)
- Wilmuth v. Amazon.com Inc., No. C23-1774JNW, 2024 WL 5088337, at \*8 (W.D. Wash. Dec. 12, 2024)
- Martinez Patterson v. AT&T Servs. Inc., No. C18-1180RSM, 2021 WL 3617179, at \*11 (W.D. Wash. Aug. 16, 2021)