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 APR 17 2012
 RICHARD W. WICKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
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8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN JOSE DIVISION

ORIGINAL

12 GLYNNIS BOHANNON, Individually and
 on Behalf of Her Minor Child I.B. and on
 13 Behalf of All Others Similarly Situated,

14 Plaintiff,

15 v.

16 FACEBOOK, INC.,

17 Defendant.

CV 12-01894 HRL

California Superior Court,
 County of Santa Clara
 Case No. 112CV219256

NOTICE OF REMOVAL OF ACTION UNDER
 28 U.S.C. §§ 1332(d), 1446, & 1453(b)

Complaint Filed: March 8, 2012

20 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

21 PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1332(d), 1446, and 1453(b),
 22 Defendant Facebook, Inc. ("Facebook" or "Defendant"), by its undersigned attorneys, hereby
 23 removes to this Court the above-captioned civil action, and all claims and causes of action
 24 therein, from the Superior Court of California, County of Santa Clara, to the United States
 25 District Court for the Northern District of California. Defendant states as follows:

26 **Jurisdiction and Authority for Removal**

27 1) On March 8, 2012, an action was commenced by Glynnis Bohannon individually
 28 and on behalf of her minor son ("Plaintiffs") against Facebook in the Superior Court of the State

1 of California in and for the County of Santa Clara, entitled “Glynnis Bohannon, individually and
2 on behalf of her minor child I.B. and on behalf of all others similarly situated v. Facebook, Inc.,”
3 with case number 112CV219256. Attached hereto as **Exhibits A - I** are all available documents
4 in the *Bohannon* case file, including a copy of the *Bohannon* complaint (“Complaint”).

5 2) The Northern District of California encompasses Santa Clara County.

6 3) Plaintiffs served Facebook with the Complaint on March 19, 2011.

7 4) This Court has original jurisdiction over this action under 28 U.S.C. § 1332(d) (the
8 Class Action Fairness Act (“CAFA”)) because (a) minimal diversity under CAFA is satisfied
9 under 28 U.S.C. § 1332(d)(2)(A), as explained further below; (b) the putative class action consists
10 of at least 100 putative class members, 28 U.S.C. § 1332(d)(5)(B); and (c) the amount in
11 controversy exceeds the sum or value of \$5,000,000, exclusive of interest and costs, 28 U.S.C.
12 § 1332(d)(2).

13 5) This action is a “class action” within the meaning of CAFA because Plaintiffs seek
14 to represent a class of persons in a civil action filed under California Code of Civil Procedure
15 § 382 (Compl. ¶ 24), which is a “statute . . . of judicial procedure authorizing an action to be
16 brought by 1 or more representative persons as a class action.” 28 U.S.C. § 1332(d)(1)(B).

17 6) Defendant may thus remove this action to this Court under 28 U.S.C. § 1453(b).

18 **Citizenship of Parties and Putative Class (28 U.S.C. § 1332(d)(2)(A))**

19 7) On the basis of Plaintiffs’ allegations in the Complaint (Compl. ¶¶ 8-9), Defendant
20 is informed that at the time Plaintiffs filed this action, Glynnis Bohannon and her minor child I.B.,
21 were, and still are, residents of Phoenix, Arizona.

22 8) At the time this action was filed, Facebook was, and still is, a corporation
23 organized under the laws of Delaware with its principal place of business in Menlo Park,
24 California.

25 9) Facebook operates a social networking website (www.facebook.com) that enables
26 users to connect and share with other users and the world around them. Users of the Facebook
27 website reside throughout the United States.

28 ///

1 10) Plaintiffs seek to represent a class of individuals who reside throughout the United
2 States. As stated in the Complaint:

3 Plaintiff brings this action as a class action for monetary and
4 equitable relief pursuant to California Code of Civil Procedure §
5 382, California Civil Code 1781, and applicable case law on behalf
6 of the following class: **All parents and legal guardians in the
United States** whose minor children made unauthorized purchases
of Facebook Credits from the minor child's Facebook account

7 (Compl. ¶ 24 (emphases added).)

8 11) Thus, Plaintiffs and at least one member of the putative class are citizens of a state
9 other than Delaware (Facebook's state of incorporation) or California (Facebook's principle place
10 of business). 28 U.S.C. § 1332(d)(2)(A).

11 **Number of Class Members (28 U.S.C. § 1332(d)(5)(B))**

12 12) Plaintiffs allege that Facebook sells Facebook Credits which can be obtained by
13 purchase for use in "many games and Apps" on Facebook. (Compl. ¶ 19.) Plaintiffs allege that
14 Facebook has "not offered to return any of the millions of dollars it received from minor
15 children's purchases of Facebook Credits for virtual currency or items within Facebook Apps."
16 (Compl. ¶ 21.)

17 13) Plaintiffs allege that, "millions of Facebook's users" have reported themselves to
18 be minors, and that, "Facebook specifically requires that users agree "not [to] provide any false
19 personal information." (Compl. ¶ 3.)

20 14) Plaintiffs seek to represent *all* parents and legal guardians whose minor children
21 allegedly made unauthorized purchases of Facebook Credits from the minor's account. (Compl. ¶
22 24 (emphasis added).)

23 15) Plaintiffs allege that they believe there are "thousands of members of the Class"
24 (Compl. ¶ 25.).

25 16) There are therefore at least 100 members of Plaintiffs' putative classes. 28 U.S.C.
26 § 1332(d)(5)(B).

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1 **Amount in Controversy (28 U.S.C. § 1332(d)(2))**

2 17) Assuming, for purposes of this Notice of Removal, that all of Plaintiffs'
3 allegations were true and the putative class proposed in the Complaint were to be certified, the
4 amount in controversy, exclusive of interest and costs, exceeds \$5,000,000. 28 U.S.C. §
5 1332(d)(2).

6 18) Plaintiffs bring four claims: (i) declaratory judgment under 28 U.S.C. § 2201 et
7 seq. (ii) violation of the California Consumers Legal Remedies Act, Cal. Civ. Code § 1750 et
8 seq. (iii) violation of California's Unfair Competition Law, California Business & Professions
9 Code § 17200 et seq. and (iv) unjust enrichment. (Compl. ¶¶ 36 - 76.)

10 19) Plaintiffs seek, *inter alia*, (a) an injunction against Facebook, (b) "individual
11 damages" (c) declaratory judgment and (d) attorneys' fees, costs, and interest. (Compl. at 76.)

12 20) As noted above, Plaintiffs seek to represent a class that allegedly includes
13 "thousands of members." (Compl. ¶ 24.) Plaintiffs do not allege a specific dollar figure for
14 damages or restitution sought but note that the amount at issue is at least in "the millions of
15 dollars" (Compl. ¶ 21).

16 21) Plaintiffs allege that the value of their own damages was "several hundred
17 dollars." (Compl. ¶ 22.)

18 22) Without taking into account other relief sought by Plaintiffs, and based on
19 Plaintiffs' own allegations, Plaintiffs' demand for "individual damages" from the thousands of
20 members in the proposed class places more than \$5,000,000 in controversy. 28 U.S.C. §
21 1332(d)(2).¹

22 23) In addition, the Declaration of Bill Richardson, manager of Payment Operations at
23 Facebook, shows that Facebook users purportedly aged 13-17 have purchased in excess of
24 \$5,000,000 of Facebook Credits during 2011. (Richardson Decl. ¶ 4). Thus, the amount in
25 controversy exceeds the statutory minimum of \$5,000,000.


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27 ¹ In filing this Notice of Removal, Facebook makes no admissions as to any allegations contained
28 in Plaintiffs' Complaint, nor does Facebook waive or forfeit any arguments or defenses.

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24) Defendant will promptly serve a copy of this Notice of Removal on counsel for Plaintiffs and will file a copy of this Notice of Removal with the Clerk of the Superior Court of California for the County of Santa Clara pursuant to 28 U.S.C. § 1446(d).

Dated: April 17, 2012

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