

1 JACK P. DICANIO (SBN 138782)  
 jack.dicanio@skadden.com  
 2 ALLEN RUBY (SBN 47109)  
 allen.ruby@skadden.com  
 3 NIELS J. MELIUS (SBN 294181)  
 niels.melius@skadden.com  
 4 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP  
 525 University Avenue  
 5 Palo Alto, California 94301  
 Telephone: (650) 470-4500  
 6 Facsimile: (650) 470-4570

7 BARRY SIMON (*pro hac vice* application forthcoming)  
 bsimon@wc.com  
 8 JONATHAN B. PITT (*pro hac vice* application forthcoming)  
 jpitt@wc.com  
 9 STEPHEN L. WOHLGEMUTH (*pro hac vice* application forthcoming)  
 swohlgemuth@wc.com  
 10 WILLIAMS & CONNOLLY LLP  
 725 Twelfth Street, N.W.  
 11 Washington, D.C. 20005  
 Telephone: (202) 434-5000  
 12 Facsimile: (202) 434-5029

13 *Attorneys for Defendants*

14 **UNITED STATES DISTRICT COURT**  
 15 **NORTHERN DISTRICT OF CALIFORNIA**  
 16 **SAN JOSE DIVISION**

17 PALANTIR TECHNOLOGIES INC.,  
 18  
 19 Plaintiff,  
 20 v.  
 21 MARC L. ABRAMOWITZ, in his individual  
 22 capacity and as trustee of the MARC  
 23 ABRAMOWITZ CHARITABLE TRUST NO.  
 2, KT4 PARTNERS LLC, and DOES 1  
 through 50, inclusive,  
 24 Defendants.  
 25

CASE NO.: 5:19-cv-6879  
**DEFENDANTS' NOTICE OF REMOVAL OF  
 CIVIL ACTION UNDER 28 U.S.C. § 1441(A)  
 (FEDERAL QUESTION)**

1 **TO THE CLERK OF THE ABOVE-ENTITLED COURT:**

2 PLEASE TAKE NOTICE that Defendants Marc L. Abramowitz, KT4 Partners LLC, and the  
3 Marc Abramowitz Charitable Trust No. 2 (collectively, “Defendants”), by and through their attorneys,  
4 hereby remove to this Court, pursuant to 28 U.S.C. §§ 1331, 1441(a), and 1446, the state court action  
5 described below. In support of this removal, Defendants state as follows:

6 **FEDERAL QUESTION JURISDICTION**

7 1. Removal of the state court action described below is proper under 28 U.S.C. § 1441(a)  
8 because the district courts of the United States have original jurisdiction over the action. As set forth  
9 below, this Court has original jurisdiction in this action pursuant to 28 U.S.C. § 1331 because the Third  
10 Amended Complaint (“TAC”) asserts a cause of action arising under federal law—specifically, the  
11 federal civil RICO statute, 18 U.S.C. § 1962. TAC ¶¶ 49-53 (filed October 18, 2019, attached hereto in  
12 Exhibit 2). Accordingly, Defendants hereby remove this action pursuant to 28 U.S.C. § 1441(a). *See,*  
13 *e.g., Churchill Village, L.L.C. v. General Electric*, 361 F.3d 566, 573-575 (9th Cir. 2004).

14 **THE STATE COURT ACTION**

15 2. On September 1, 2016, Palantir Technologies Inc. (“Palantir”) commenced this action in  
16 the Superior Court of the State of California in and for the County of Santa Clara (“Superior Court”),  
17 entitled *Palantir Technologies Inc. v. Marc L. Abramowitz, et al.*, as case number 16CV299476.  
18 Palantir filed a First Amended Complaint on September 23, 2016. On March 20, 2017, Palantir sought  
19 leave to file a Second Amended Complaint, and leave was granted on May 5, 2017.

20 3. On June 26, 2019, Plaintiff sought leave to file a TAC. Plaintiff’s proposed amendments  
21 to the Second Amended Complaint included adding a new federal cause of action under the federal  
22 Racketeer Influenced and Corrupt Organizations (“RICO”) Act against all Defendants. The Superior  
23 Court granted Plaintiff’s motion for leave to amend on October 17, 2019, and Palantir filed the TAC on  
24 October 18, 2019. *See* Ex. 2. The TAC asserts four causes of action: (1) a federal civil RICO claim  
25 under 18 U.S.C. § 1962; (2) breach of contract; (3) breach of the covenant of good faith and fair dealing;  
26 and (4) trade secret misappropriation under Cal. Civ. Code § 3426 et seq.

27  
28

**REMOVAL IS TIMELY**

1  
2 4. The California Superior Court granted Plaintiff’s motion for leave to amend on October  
3 17, 2019. This Notice of Removal is timely, having been filed within thirty (30) days after that date.  
4 *See* 28 U.S.C. § 1446(b).

**REMOVAL TO THE PROPER COURT / INTRADISTRICT ASSIGNMENT**

5  
6 5. The U.S. District Court for the Northern District of California, San Jose Division, is the  
7 “district and division within which [the state court action] is pending,” *i.e.*, Santa Clara County,  
8 California. Thus, venue in this Court is proper under 28 U.S.C. § 1446(a). Further, pursuant to Civil  
9 L.R. 3-2(c), venue is proper in this Court because the action allegedly arises in Santa Clara County.

**ALL DEFENDANTS HAVE CONSENTED TO REMOVAL**

10  
11 6. The undersigned counsel represent all named Defendants in this case, and all Defendants  
12 consent to removal. The consent of the remaining unnamed Doe defendants is not required. *See Fristoe*  
13 *v. Reynolds Metals Co.*, 615 F.2d 1209, 1213 (9th Cir. 1980) (unnamed defendants not required to join  
14 in removal petition).

**PLEADINGS AND PROCESS**

15  
16 7. In compliance with 28 U.S.C. § 1446(a), a “copy of all process, pleadings, and orders  
17 served upon” Defendants in *Palantir Technologies Inc. v. Marc L. Abramowitz, et al.*, Case No.  
18 16CV299476, are attached collectively hereto as Exhibit 2. A copy of the publicly available state court  
19 register of actions/docket for Case No. 16CV299476 is attached hereto as Exhibit 1.

**NOTICE TO PLAINTIFF AND STATE COURT**

20  
21 8. Pursuant to 28 U.S.C. § 1446(d), Defendants will promptly serve upon Plaintiff’s counsel  
22 of record and file with the Santa Clara County Superior Court a true and correct copy of this Notice.

23 By removing this action to this Court, Defendants do not waive but instead expressly preserve  
24 any and all arguments and defenses available to them.

25 WHEREFORE, Defendants respectfully remove this action from the Superior Court of the State  
26 of California, in and for the County of Santa Clara, to this Court pursuant to 28 U.S.C. § 1441(a).

27 //

28 //

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

DATED: October 22, 2019

Respectfully submitted,  
SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP  
By:                   /s/ Jack P. DiCanio                    
                  Jack P. DiCanio  
                  Attorneys for Defendants