

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

LARRY SOSSIN,

Plaintiff,

vs.

GOOGLE INC,

Defendant

CASE NO.:

**NOTICE OF REMOVAL
AND
NOTICE OF RELATED CASE**

PLEASE TAKE NOTICE that defendant Google, Inc. ("Google") hereby removes the civil action pending in the Superior Court of the State of New Jersey, County of Sussex, styled *Larry Sossin v. Google, Inc.*, case number SC-153-12, to the United States District Court for the District of New Jersey. Defendant Google will promptly file a Notice of this Removal with the Clerk of the Superior Court and serve the Notice on all parties.

ALSO PLEASE TAKE NOTICE that, pursuant to Civil Local Rule 40.1(c), this action is related to the following action currently pending before Judge Claire C. Cecchi in the Newark Division: *Ana Yngelmo v. Google, Inc.*, No. 2:12-cv-00983-CCC-JAD, filed February 17, 2012. These actions are related because they assert substantially identical causes of action against Google, they are based on essentially the same transactions and events, and Plaintiff Larry Sossin is a member of the putative class of persons on whose behalf the first-filed *Yngelmo* action was brought. Accordingly, assignment to Judge Cecchi is appropriate under Civil Local Rule 40.1(c).

GROUNDS FOR REMOVAL JURISDICTION

1. Pursuant to 28 U.S.C. § 1446, Google invokes this District Court's jurisdiction under 28 U.S.C. § 1441 (providing that defendants may remove any civil action, filed in state court, of which the District Courts of the United States have original jurisdiction), 28 U.S.C. § 1331 (granting the District Courts original jurisdiction of all civil actions arising under federal law), and 28 U.S.C. § 1332 (granting District Courts original jurisdiction of all civil actions between persons of diverse citizenship).

2. On March 12, 2012, pro se plaintiff Larry Sossin ("Plaintiff") filed a complaint against Google in the small claims division of the Superior Court of the State of New Jersey, County of Sussex. Because the original complaint lacked sufficient detail and did not expressly allege a cause of action arising under federal law or satisfying the requirements for diversity jurisdiction, Google was unable to ascertain the removability of the action from the original complaint. A copy of the original Complaint is attached hereto as Exhibit 1.

3. On April 3, 2012, Plaintiff filed an Amended Complaint against Google in the same action purportedly alleging claims for (1) violation of 18 U.S.C. § 2511; (2) violation of 18 U.S.C. § 2701; and (3) violation of 18 U.S.C. § 1030. The Amended Complaint is attached hereto as Exhibit 2. (The top of the caption page of the Amended Complaint erroneously states the name of this Court even though it was actually filed in the Sussex County Superior Court.)

4. Because all of the causes of action alleged in the Amended Complaint are based upon violations of federal law, specifically 18 U.S.C. §§ 1030, 2511, 2701, this Court has original jurisdiction under 28 U.S.C. § 1331.

5. At the time of filing this action, Plaintiff was and still is a citizen of the State of New Jersey, and Google is not a citizen of New Jersey but is a citizen of Delaware and California due to its incorporation in Delaware and due to the location of its headquarters and principal place of business in California. *See, e.g., Ex. 2 ¶¶ 7-8.*

6. The Amended Complaint seeks damages from Google in the amount of \$250,000.00. *See* Ex. 2, Prayer for Relief.

7. Because the parties have complete diversity of citizenship and because the amount in controversy exceeds the \$75,000 statutory minimum for diversity jurisdiction, this court has original jurisdiction under 28 U.S.C. § 1332.

8. Removal pursuant to 28 U.S.C. § 1446(b) is timely because this notice of removal is filed within thirty days of Google's receipt of the Amended Complaint, the pleading "from which it [could] first be ascertained that the case is one which is or has become removable."

9. Venue in this district is proper under 28 U.S.C. § 1441 because this District includes the New Jersey Superior Court in Sussex County, the forum in which the removed action was pending.

10. Attached hereto as Exhibit 3 is a copy of a signed stipulation and order, which together with Exhibit 1 and Exhibit 2, constitute all of the process, pleadings, and/or orders that have been served on Google in connection with this action.

ALLOCATION AND ASSIGNMENT OF THIS RELATED CASE

11. Pursuant to Civil Local Rule 40.1(a), assignment of this action to the Newark Division of this District Court is proper because this action is being removed from the Superior Court in Sussex County and because Plaintiff is a resident of Sussex County.

12. Pursuant to Civil Local Rule 40.1(c), assignment of this action to Judge Cecchi in the Newark Division is proper because this action "grows out of the same transaction as [a] case already pending in this Court" currently pending before Judge Cecchi, *Ana Yngelmo v. Google, Inc.*, No. 2:12-cv-00983-CCC-JAD, filed February 17, 2012. These actions are related because they assert substantially identical causes of action against Google, they are based on essentially the same transactions and events, and Plaintiff Larry Sossin is a member of the

putative class of persons on whose behalf the prior *Yngelmo* action was brought. Accordingly, assignment to Judge Cecchi is appropriate under Civil Local Rule 40.1(c).

Dated: April 6, 2012

By: s/Jeremy Klausner

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**Admitted in California, Pro Hac Vice
Admission in this Court to be Sought*

Attorneys for Defendant
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