

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

RICHARD CLEMONS,

Plaintiff,

v.

GOOGLE INC.,

Defendant.

Civil Action No. 1:17-CV-00963-AJT-TCB

**GOOGLE LLC'S MOTION TO DISMISS OR,  
IN THE ALTERNATIVE, TRANSFER VENUE**

Pursuant to Fed. R. Civ. P. 12(b)(6), Google LLC (“Google”) hereby moves to dismiss Plaintiff Richard Clemons’s complaint in its entirety with prejudice for failure to state a claim upon which relief may be granted because Plaintiff fails to specify which provision of the Stored Communications Act (“SCA”), 18 U.S.C. § 2701, *et seq.*, Google has allegedly violated. Furthermore, even if the Court were to read a cause of action into the complaint, the SCA provides immunity to service providers such as Google for claims arising under 18 U.S.C. § 2701(a). If the Court declines to dismiss the complaint for failure to state a claim, then Google hereby moves, in the alternative, to transfer venue to the Northern District of California pursuant to 28 U.S.C. § 1404(a) because Plaintiff, having agreed to Google’s Terms of Service, is legally obligated to litigate any claim he may have against Google in the Northern District of California, not Virginia. This motion is supported by the accompanying Memorandum in Support and the Declaration of Brittany Araujo.



**CERTIFICATE OF SERVICE**

I hereby certify that on the 16th day of November, 2017, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, and I will send the document by email and U.S. mail to the following non-filing user:

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*Pro Se Plaintiff*

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