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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOHN DOE, individually and on behalf of all
the members of the Class of persons
similarly situated,

Plaintiffs,

v.

PROJECT FAIR BID, INC., d/b/a
BIGDEAL.COM, a Delaware corporation,

MAYFIELD FUND,
FOUNDATION CAPITAL,
FIRST ROUND CAPITAL, and
DOES 1-20,

Defendants.

No.
NOTICE OF REMOVAL

TO: CLERK OF THE COURT

AND TO: PLAINTIFF, THROUGH HIS COUNSEL OF RECORD

PLEASE TAKE NOTICE that defendant Project Fair Bid, Inc. d/b/a Bigdeal.com
("Project Fair Bid"), and the defendants named in the complaint as "Mayfield Fund,"
"Foundation Capital," and "First Round Capital" (collectively, the "Investor Defendants")
hereby remove the above-captioned action from the Superior Court of the State of Washington

1 in and for King County to the United States District Court for the Western District of
2 Washington. This Notice of Removal is filed pursuant to 28 U.S.C. §§ 1331, 1332, 1441, 1446
3 and 1453, and Western District of Washington Civil Rule 101.

4 In support of its removal of this action, the defendants state as follows:

5 **Timeliness of Removal and Venue in This Court**

6 1. On or about February 16, 2011, plaintiff John Doe filed this lawsuit in the
7 Superior Court of the State of Washington in and for King County, Case No. 11-2-06859-5
8 SEA. A copy of plaintiff's state court complaint (the "Complaint") is attached to this Notice as

9 **Exhibit A.**

10 2. The Complaint named as defendants Project Fair Bid and the Investor
11 Defendants. The Complaint also identifies "Does 1-20" as unnamed defendants.

12 3. Plaintiff purported to serve process on Project Fair Bid on April 13, 2011.¹

13 4. Plaintiff purported to serve process on each of the Investor Defendants on April
14 13, 2011.

15 5. This Notice of Removal is filed within thirty days of service of process² on all
16 defendants and within 1 year of the filing of the Complaint. It therefore is timely under 28
17 U.S.C. § 1446(b).

18 6. The Superior Court of the State of Washington in and for King County is located
19 within the Western District of Washington. Venue for the removed action is therefore proper in
20 this District pursuant to 28 U.S.C. § 1441(a).

21 7. All named defendants consent to this removal.

22 _____
23 ¹ In removing this case, defendants do not waive any defenses, including but not limited to
24 defenses previously available under Washington Civil Rule 12 and now available under Fed. R.
25 Civ. P. 12.

26 ² Defendants are removing this case now, in an abundance of caution, to ensure that there is no
issue regarding timeliness. At least one defendant, however, appears not to have been served
properly. The 30-day deadline for any such defendant to remove this case has not yet begun to
run. *Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 119 S.Ct. 1322 (1999).

1 b. Plaintiff Is A Citizen Of A Different State Than Project Fair Bid.

2 Plaintiff alleges that he is a citizen of the state of Washington. Complaint ¶ 7. Plaintiff alleges
3 that Project Fair Bid is a Delaware corporation whose principal place of business is California.
4 *Id.* ¶ 6. Pursuant to 28 U.S.C. § 1332(c)(1), Project Fair Bid is a citizen of Delaware and
5 California. *Hertz Corp. v. Friend*, 130 S. Ct. 1181, 1186 (2010). The minimal diversity
6 required by CAFA is present because plaintiff and Project Fair Bid are citizens of different
7 states. 28 U.S.C. § 1332(d)(2)(A)

8 c. Defendants Are Not States, State Officials, or Other Government

9 Entities. Plaintiff alleges that defendants are private entities, which are not states, state
10 officials, or government entities. Complaint ¶ 6. The requirement of 28 U.S.C. §
11 1332(d)(5)(A) is therefore satisfied.

12 d. The \$5,000,000 Amount-in-Controversy Is Satisfied. Plaintiff alleges

13 that members of the purported class have suffered actual damages that include, but are not
14 limited to, “millions of dollars” in fees paid to Project Fair Bid. *See, e.g.*, Complaint ¶ 195.
15 Plaintiff also alleges that the purported class is entitled to treble any actual damages. *Id.*
16 ¶¶ 201, 213, 256. Plaintiff also alleges that the purported class is entitled to disgorgement of
17 “all monetary benefits” paid by any purported class member, which necessarily exceed the
18 “millions of dollars” in fees allegedly paid. *Id.* ¶ 100. In sum, the defendants believe in good
19 faith that the aggregate amount of the class members’ claims exceeds \$5,000,000, and the
20 amount-in-controversy requirement of 28 U.S.C. § 1332(d)(6) is satisfied.

21 **Removal Has Been Effected Properly and All Defenses Are Preserved**

22 11. Pursuant to 28 U.S.C. § 1446(d), Defendants have promptly provided notice of
23 this Notice of Removal to the Superior Court of the State of Washington in and for King
24 County.

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Attorneys for Defendant Project Fair Bid,
Inc. d/b/a Bigdeal.com

VERIFICATION

Pursuant to Western District of Washington Local Rule 101(b), the undersigned counsel for the Investor Defendants hereby verifies that the pleadings and other documents attached hereto as **Exhibit A** and **Exhibit B** are true and complete copies of the pleadings and documents in the state court proceeding and all process served on the Investor Defendants.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED at Seattle, Washington this 12th day of May, 2011.

 s/ Theodore J. Angelis
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