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4 Los Angeles, California 90024
Telephone: (310) 893-5150
5 Facsimile: (310) 893-5195

6 Attorneys for Defendant
The Home Depot, Inc.
7 (erroneously sued as Home Depot, Inc.)

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 WESTERN DIVISION

11 **CV12-05706 QN (SHX)**

12 HOME DÉCOR CENTER, INC., a
California corporation

13 PLAINTIFF,

14 v.

15 GOOGLE, INC., a California
16 corporation; HOME DEPOT, INC, a
17 Georgia corporation, AND DOES 1
THROUGH 10, inclusive

18 DEFENDANTS.

FILED
12 JUN -2 AM 11:08
CENTRAL DISTRICT OF CALIF.
LOS ANGELES

CRONE HAWXHURST LLP
10880 WILSHIRE BOULEVARD, SUITE 1150
LOS ANGELES, CALIFORNIA 90024
Tel. (310) 893-5150 • Fax: (310) 893-5195

COPY

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1 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

2 PLEASE TAKE NOTICE that defendant The Home Depot, Inc. (“Home
3 Depot”), erroneously sued as Home Depot, Inc., with the joinder of defendant
4 Google Inc., hereby removes this action to the United States District Court for the
5 Central District of California, and in support thereof, respectfully shows the Court
6 as follows:

7 **STATEMENT OF THE CASE**

8 1. On May 29, 2012, an action entitled HOME DÉCOR CENTER, INC.
9 v. GOOGLE, INC., et al., was commenced in the Superior Court of the State of
10 California in and for the County of Los Angeles (Case No. BC485508).

11 2. Service of a copy of the state court Complaint and Summons was
12 completed on Home Depot on June 4, 2012. Pursuant to 28 U.S.C. § 1446(b), this
13 Notice of Removal is timely filed because it was filed within thirty (30) days of
14 any defendant’s receipt of plaintiff’s pleading.

15 3. Pursuant to 28 U.S.C. § 1446(a), a complete copy of all process,
16 pleadings, and orders served upon or received by Home Depot in this lawsuit (Los
17 Angeles Superior Case No. BC485508) is attached as Exhibit A.

18 4. No further proceedings have occurred in the Superior Court of
19 California, County of Los Angeles, in this action as of the date of the filing of this
20 Notice of Removal. For example, Home Depot has not yet filed an Answer to the
21 Complaint.

22 5. Venue is proper pursuant to 28 U.S.C. § 1391 because the action was
23 pending in Los Angeles County Superior Court.

24 **JURISDICTION**

25 6. As further noted below, this lawsuit may be removed to this Court
26 pursuant to 28 U.S.C. § 1441(a) because this action is a civil action of which this
27 Court has original jurisdiction under 28 U.S.C. § 1331, in that plaintiff’s third
28

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1 claim for relief attempts to allege a claim arising under the federal Lanham Act, 15
2 U.S.C. § 1051, *et seq.*

3 7. Pursuant to 28 U.S.C. § 1367(a), this Court has supplemental
4 jurisdiction over plaintiff's remaining state law claims for relief.

5 **CONCLUSION**

6 8. As reflected in the attached Joinder, the only other named defendant,
7 Google Inc., consents to this Notice of Removal.

8 9. Home Depot reserves the right to supplement or amend this Notice of
9 Removal.

10 10. Pursuant to 28 U.S.C. § 1446(d), a notice of filing of removal, with a
11 copy of this notice of removal attached thereto, shall be filed with the clerk of the
12 Superior Court of the State of California, County of Los Angeles, Central District,
13 Case No. BC485508, with a copy served on plaintiff's attorney. Home Depot also
14 shall file with this Court a certificate of service of such notice.

15 WHEREFORE, with the joinder of Google Inc., The Home Depot, Inc.
16 hereby removes the action now pending against it in the Superior Court of the State
17 of California, County of Los Angeles, to this Honorable Court.

18
19 DATED: July 2, 2012

CRONE HAWXHURST LLP

20
21 By 

22 Daryl M. Crone
23 Joshua P. Gelbart
24 Attorneys for Defendant
25 The Home Depot, Inc.
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DEMAND FOR JURY TRIAL

Defendant The Home Depot, Inc. hereby demands trial by jury pursuant to Fed. R. Civ. Proc. § 38(b).

DATED: July 2, 2012

CRONE HAWXHURST LLP

By 
Daryl M. Crone
Joshua P. Gelbart
Attorneys for Defendant
The Home Depot, Inc.


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1 **JOINDER OF DEFENDANT GOOGLE INC.**

2 Defendant Google Inc. hereby joins in this notice of removal of action
3 to federal court.
4

5 DATED: July 2, 2012

BOSTWICK & JASSY LLP

6
7 By 
8 Gary Bostwick
9 Kevin L. Vick
10 Attorneys for Defendant
11 Google, Inc.
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Tel: (310) 893-5150 • Fax: (310) 893-5195

EXHIBIT A

FILED
Los Angeles Superior Court

MAY 29 2012

LAW OFFICES OF CHRISTOPHER K. JAFARI
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JAMBOREE BUSINESS CENTER
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Telephone: (949) 852-4454
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Alex 90248

John A. ... Executive Officer/Clerk
By *[Signature]* Deputy
DOROTHY SWAIN

Attorney for the Plaintiff Home Décor Center

**SUPERIOR COURT OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES -
CENTRAL DISTRICT**

HOME DÉCOR CENTER, INC., a
California corporation

Case No: **BC485508**

COMPLAINT

PLAINTIFF,

v.

1. UNFAIR COMPETITION
2. UNFAIR BUSINESS PRACTICES
3. TRADEMARK INFRINGEMENT
4. UNJUST ENRICHMENT
5. CIVIL CONSPIRACY
6. INJUNCTIVE RELIEF

GOOGLE, INC. , a California corporation;
HOME DEPOT, INC, a Georgia
corporation, AND DOES 1 THROUGH 10,
inclusive

UNLIMITED CIVIL CASE

DEFENDANTS.

Plaintiff alleges AS FOLLOWS:

GENERAL ALLEGATIONS

COMMON TO ALL CAUSES OF ACTION

1. Plaintiff, HOME DÉCOR CENTER, INC. ("Plaintiff") is a California corporation organized and existing by virtue of the laws of the United States of America and also at all times mentioned here, was and now is authorized to do business in the State of California.

CIT/CASE: 090C4855 LEA/JEPH:
RECEIPT #: CCH1972017
DATE PAID: 05/29/12 09:47:15 AM
PAYMENT: \$395.00
RECEIVED:
CHECK: 395.00
CASH:
DEPOSIT:
DATE: 05/29/12

COMPLAINT

Case assigned DJB to Judge Charles F. Palmer

05/29/12

1 2. Plaintiff is informed and believes and thereon alleges that at all times mentioned herein,
2 Defendant Google, Inc. ("Defendant Google") was and now is a California corporation,
3 organized and existing by virtue of the laws of the United States of America and also at
4 all times mentioned here, was and now is authorized to do business in the State of
5 California.

6 3. Plaintiff is informed and believes and thereon alleges that at all times mentioned herein,
7 Defendant Home Depot, Inc. ("Defendant Home Depot") was and now is a Georgia
8 corporation, organized and existing by virtue of the laws of the United States of America
9 and also at all times mentioned here, was and now is authorized to do business in the
10 State of California.

11 4. The true names and identities of Defendants DOES 1 through 50 are unknown to
12 Plaintiff, who therefore sues said Defendants by fictitious names. Plaintiff is informed
13 and believes and thereon alleges that each of said DOE Defendants are liable to Plaintiffs
14 for the acts and conduct alleged herein, and further that each of said DOE Defendants
15 were the agents and/or employees of the other Defendants, and in doing the acts and
16 things complained of herein, did so within the course and scope of such agency and/or
17 employment. Plaintiff will seek leave of Court to amend this Complaint to insert the
18 correct names and capacities of said DOE Defendants when the same have been
19 ascertained by Plaintiff.
20
21
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23

24
25 VENUE

26 5. The California Superior Court for the County of Los Angeles, Central Judicial District is
27 the proper venue for filing and prosecution of the action due to the fact that all parties
28

1 conduct business in said county and judicial district. Further, the agreements and the
2 alleged breach occurred in said county and judicial district.

3
4 **FACTUAL ALLEGATIONS**

5 **COMMON TO ALL CAUSES OF ACTION**

- 6
- 7 1. Over the course of several years, Plaintiff Home Décor Center, Inc. has been advertising
8 aggressively to establish its name and reputation in the marketplace.
- 9 2. Plaintiff's customers and potential customers would find Plaintiff's website,
10 www.HomeDecorCenter.com through Defendant Google's search engine for "Home
11 Décor Center".
- 12 3. On or about September of 2011, Plaintiff experienced a drastic decline in both its online
13 and in-store sales. Plaintiff's sales traffic decreased by as much as 60%.
- 14 4. On or about September of 2011, Plaintiff also started experiencing a high volume of
15 customer complaints regarding their purchases; such as damaged items, failure of
16 delivering orders, and failure to ship orders in a timely manner. To this date, Plaintiff
17 continues to receive said complaints from customers.
- 18 5. When Plaintiff inquired as to which website the complaining customers completed their
19 orders on, the customers clearly stated www.HomeDecorators.com. A primary and
20 recurring complaint by Plaintiff's customers is that they cannot find Plaintiff's store
21 location through HomeDecorators.com, owned by Defendant Home Depot, Inc.
- 22 6. Due to the issues above, Plaintiff investigated the matter. On January 17th, 2012 Plaintiff
23 searched for its domain name through Defendant Google's search engine and through
24 Defendant Google's "Ad Words".
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31/15/2012

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7. The above investigation led Plaintiff to find an advertisement for Home Decorators, but the link represented itself as The Official Website for HomeDecorCenter.com. However the URL below the link clearly states www.homedecorators.com. Evidence of such is concurrently attached herewith as "Exhibit A".
8. Moreover, in the above advertisement for HomeDecorators.com, the advertisement claims to be related to Home Décor Center. Evidence of such is concurrently attached herewith as "Exhibit A".
9. As a result of this improper advertisement, Plaintiff's customer traffic was misdirected and mislead to the wrong website, HomeDecorators.com, a company owned by Defendant Home Depot, Inc. Not only were ultimate consumers redirected, but influential designers as well. The above actions of the Defendants have proven to be extremely detrimental to the Plaintiff.
10. In addition to Plaintiffs' drastic decline of online sales, this improper advertising has harmed Plaintiff's reputation in the marketplace. Customers are led to believe that they received substandard service from Plaintiff, when they actually had their bad experiences with HomeDecorators.com, owned by Defendant Home Depot, Inc.
11. Also, due to Plaintiff's customers being misdirected to HomeDecorators.com, owned by Defendant Home Depot, Inc., Plaintiff has had to and continues to have to constantly make price adjustments and grant refunds to maintain relationships and protect its reputation.
12. On January 13th, 2012 Plaintiff sent certified mail to Defendant Google, Inc. and Home Decorators, agent of Defendant Home Depot, Inc. Proofs of delivery attached concurrently herewith as "Exhibit B".

1 13. Included in this mailing was a Cease and Desist Letter including: Proof of Registration of
2 Plaintiff's Trademark, statement by officer of Plaintiff under penalty of perjury of law
3 describing the above conduct by the Defendants constituting the infringement, describing
4 the product and services of the Plaintiff being infringed on, provided the exact dates of
5 such infringements, and a request to cease and desist such infringement acts.

6
7 14. Despite such expressed written notice, the Defendants never ceased such wrongful
8 conducts.

9
10 **FIRST CAUSE OF ACTION**
11 **For Unfair Competition**
12 **(Against Defendant Home Depot, Inc.)**

13
14 15. Plaintiff incorporates herein by reference the allegations of paragraph 1-14 *supra* as
15 though fully set forth herein.

16 16. By engaging in the acts described above, Defendant has unfairly competed with Plaintiff.

17 17. By way of example, Plaintiffs allege on information and believe that Defendant has
18 caused dilution of Plaintiff's business reputation and trademarks. Defendant through false
19 representations and false advertising confused and upset customers through misleading
20 them to purchase products from a different company and failing to receive the same level
21 of service, and profited from the Defendant's website by misrepresenting that the
22 Defendant's website is in fact the Plaintiff's official website.

23 18. As a proximate result of these acts of Defendant in unfairly and improvidently competing
24 with Plaintiff as more fully alleged herein, Plaintiff has suffered damages due to the
25 dilution of its trademark and sales revenues.

26
27 19. Plaintiff is further informed and believes and thereon alleges that each of the acts of
28 Defendants mentioned herein was intentional, malicious, with reckless disregard for the

1 financial condition of Plaintiff, and with the express intent of depriving Plaintiff of monies
2 and assets, and consequently such conduct warrants the award of punitive and exemplary
3 damages in an amount to be proven at trial.
4

5 **SECOND CAUSE OF ACTION**

6 **For Unfair Business Practices**

7 **(Against All Defendants)**

8
9 20. Plaintiff incorporates herein by reference the allegations of paragraph 1-19 *supra* as though
10 fully set forth herein.

11 21. The California Business and Professions Code, Sections 17200 et. seq. Makes it unlawful
12 and illegal for any person or entity to engage in unlawful, unfair or fraudulent practices or
13 do any act which is in furtherance of a fraudulent or deceitful tactic.
14

15 22. Defendants have violated the law and utilized unfair business practices in misrepresenting
16 themselves as Plaintiff's official website and misleading Plaintiff's customers and
17 potential customers.

18 23. As a proximate result of these violations, Plaintiff has suffered damages in an amount to
19 be proven at trial, but in any event above the jurisdiction minimum of this court.
20

21 24. As a further proximate result of these violations, Plaintiff is suffering and will suffer
22 irreparable harm, for which there is not adequate remedy at law, and therefore entitled to
23 equitable and injunctive relief.
24

25 ///
26 ///
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28 ///

THIRD CAUSE OF ACTION
FOR TRADEMARK INFRINGEMENT

(Against all Defendants)

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2
3
4 25. Plaintiff incorporates herein by reference the allegations of paragraph 1-24 *supra* as
5 though fully set forth herein.

6 26. At all relevant times herein, Plaintiff is the rightful owner of Home Décor Center, Inc. and
7 www.homedecorcenter.com.

8
9 27. State courts have concurrent jurisdiction over Federal Trademark claims pursuant to 28
10 U.S.C. § 1338(a), providing this court with subject matter jurisdiction over the trademark
11 claims alleged herein.

12 28. The Plaintiff also has a pending common law trademark with the trademark office,
13 #85524823.

14
15 29. Defendants hid their website URL in an advertisement misleading customers to think they
16 were clicking a link for Plaintiff's website, HomeDecorCenter.com but the advertisement
17 link would take them to Defendant Home Depot's website, HomeDecorators.com.

18
19 30. Defendants wrongfully infringed and misappropriated Plaintiff's trademark and related
20 intellectual property through attempting to gain financially through sales by misleading
21 Plaintiff's customers to Defendant Home Depot's website while using Plaintiff's
22 trademark in the search engine advertisement.

23
24 31. Defendants' use of Plaintiff's trademarks were without permission or authorization, and
25 were against the rights and ownership of the Plaintiff.

26 32. Defendant Home Depot placed goods into the public arena for sale similar to Plaintiff's
27 and through Plaintiff's trademark such that they caused a likelihood of confusion with
28 consumers as to the true source of said products.

1 33. As a proximate result of the infringements and misappropriations alleged herein, Plaintiff
2 has been damaged, and is rightfully entitled to their damages as well as the disgorgement
3 of the fruits of Defendants' wrongful conduct, as well as damages for dilution of their
4 mark, all subject to proof at the time of trial.

5
6 34. Plaintiff is entitled to remedies for trademark infringement, all subject to proof at the time
7 of trial.

8 Plaintiff is entitled to their reasonable attorneys fees pursuant to the Lanham Act in an
9 action for trademark infringement.
10

11 **FOURTH CAUSE OF ACTION**

12 **Unjust Enrichment**

13 **(Against all Defendants)**

14
15 35. Plaintiff incorporates herein by reference the allegations of paragraph 1-34^{supra} as though
16 fully set forth herein.

17
18 36. As more fully alleged above, Defendants have unjustly and without actual right,
19 financially enriched themselves with Plaintiff's trademark.

20 37. Unless this court orders Defendants to disgorge the fruits of their improper acts stated
21 herein, Defendants will receive unjust enrichment to which they are not entitled.
22

23 **FIFTH CAUSE OF ACTION**

24 **Civil Conspiracy**

25 **(Against All Defendants)**

26
27 38. Plaintiff incorporates herein by reference the allegations of paragraph 1-37^{supra} as though
28 fully set forth herein.

1 39. Defendant Home Depot, Inc. and Defendant Google, Inc. agreed to falsely advertise
2 Defendant Home Depot, Inc.'s home decoration website as Plaintiff's website
3 HomeDecorCenter.com to mislead Plaintiff's customers and potential customers to
4 Defendant Home Depot, Inc.'s home decoration website.

5 40. Defendant Home Depot, Inc. is a sponsor of Defendant Google's advertising and
6 maintains a business relationship. Defendant Home Depot, Inc. offered Defendant
7 Google, Inc. financial gain in return for the above actions. Defendants conspired against
8 the Plaintiff in an attempt for financial gain.
9

10
11 **SIXTH CAUSE OF ACTION**

12 **Injunctive Relief**

13 **(Against All Defendants)**

14
15 41. Plaintiff incorporates by reference as if set forth in full Paragraphs 1-40 as if set forth in
16 full.

17 42. Defendants intend to continue engaging in the above mentioned deceptive, unfair
18 business practices and unfair competition in misleading consumers to believe that they
19 were using Home Décor Center product when in fact such consumers were directed to
20 Defendant Home Depot, Inc.'s website, all to Plaintiff's great and irreparable injury in that
21 Defendants may lose their customers and sales revenues.
22

23 43. Plaintiff has no other plain, speedy, or adequate remedy, and the injunctive relief prayed
24 for below is necessary and appropriate at this time to prevent irreparable loss to Plaintiff's
25 interests.
26

27
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05/23/13

1 44. Plaintiff is entitled to injunctive relief, including but not limited to, temporary restraining
2 order, preliminary and/or permanent injunction pursuant to *Code of Civil Procedure §§*
3 *525-527 and Civil Code § 3422(1)*.
4

5
6
7 WHEREFORE, Plaintiff prays for Judgment against the Defendants as follows:

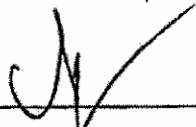
8 As to All Causes of Action:

- 9 1. For general damages in an amount to be proven at trial;
10 2. For consequential damages subject to proof at trial;
11 3. For loss of earnings and lost profits;
12 4. For costs of suit incurred herein;
13 5. For such other and further relief as the court deems proper;
14 6. For punitive and exemplary damages subject to proof at trial;
15 7. All attorney fees as allowed under the statute;
16 8. A temporary restraining order and permanent injunctive order to prevent Defendants
17
18 from such wrongful conduct.
19
20
21

22 Dated: May 24th, 2012

23 Respectfully Submitted:

24 Law Offices of Christopher K. Jafari

25
26 
27 _____
28 Attorney for Plaintiff Home Décor Center, Inc.

01/20/09

Homedecorcentet.com search

Ads

Homedecorcenter.com

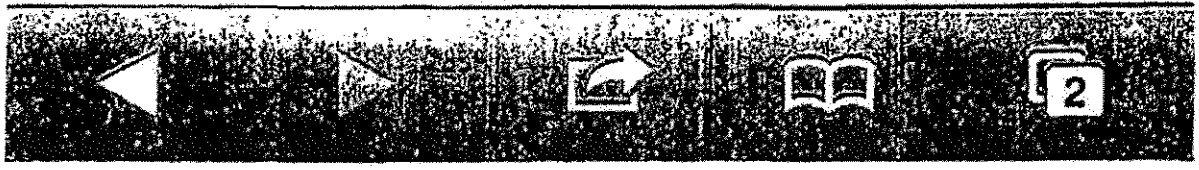
Official Home Decorators® Website -
Stylish Furniture & Room Accents!
www.homedecorators.com/

expand all collapse all
local

Sign In

Directory | Help | Terms

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21/52/58

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Address</p> <p><i>x New Report</i></p> <p>B. Received by (Printed Name) C. Date of Deliv</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p style="font-size: 1.2em;"><i>Home Decorators Collection No Customer Service 8920 Pershall Road Hazelwood, MO 63042</i></p>	<p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchand <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label) <u>7011 0470 0002 9780 1496</u></p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1</p>	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Address</p> <p><i>x MIA</i></p> <p>B. Received by (Printed Name) C. Date of Deliv</p> <p><i>MIBUEC TOVAR 11-31-11</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p style="font-size: 1.2em;"><i>Google 1600 Amphitheatre Parkway Mountain View, CA 94043</i></p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchand <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label) <u>7010 1670 0002 0630 7992</u></p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1</p>	

05/29/12

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
Christopher K. Jafari, Esq., Sbn 219971
Law Offices of Christopher K. Jafari, Esq.
1 Park Plaza
Irvine, CA 92614
TELEPHONE NO: 949 852 4454 FAX NO: 949 852 4453
ATTORNEY FOR (Name): Home Decor Center, Inc.

FOR COURT USE ONLY
FILED
Los Angeles Superior Court
MAY 29 2012
John A. Blacko, Executive Officer/Clerk
By *[Signature]*, Deputy
DONOTRY SWAIN
BC485508

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles
STREET ADDRESS: 111 North Hill Street.
MAILING ADDRESS:
CITY AND ZIP CODE: Los Angeles, CA 90012
BRANCH NAME: Stanley Mosk

CASE NAME:
Home Decor Center, Inc. v. Google, Inc, Home Depot, Inc.

CIVIL CASE COVER SHEET
 Unlimited (Amount demanded exceeds \$25,000) Limited (Amount demanded is \$25,000 or less)
Complex Case Designation
 Counter Joinder
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER:
JUDGE:
DEPT:

Items 1-6 below must be completed (see instructions on page 2)

1. Check one box below for the case type that best describes this case:
- | | | |
|---|--|--|
| Auto Tort
<input type="checkbox"/> Auto (22)
<input type="checkbox"/> Uninsured motorist (46)
Other PI/PD/WO (Personal Injury/Property Damage/Wrongful Death) Tort
<input type="checkbox"/> Asbestos (04)
<input type="checkbox"/> Product liability (24)
<input type="checkbox"/> Medical malpractice (45)
<input type="checkbox"/> Other PI/PD/WO (23)
Non-PI/PD/WO (Other) Tort
<input checked="" type="checkbox"/> Business tort/unfair business practice (07)
<input type="checkbox"/> Civil rights (08)
<input type="checkbox"/> Defamation (13)
<input type="checkbox"/> Fraud (16)
<input type="checkbox"/> Intellectual property (18)
<input type="checkbox"/> Professional negligence (25)
<input type="checkbox"/> Other non-PI/PD/WO tort (35)
Employment
<input type="checkbox"/> Wrongful termination (38)
<input type="checkbox"/> Other employment (15) | Contract
<input type="checkbox"/> Breach of contract/warranty (06)
<input type="checkbox"/> Rule 3.740 collections (09)
<input type="checkbox"/> Other collections (09)
<input type="checkbox"/> Insurance coverage (18)
<input type="checkbox"/> Other contract (37)
Real Property
<input type="checkbox"/> Eminent domain/Inverse condemnation (14)
<input type="checkbox"/> Wrongful eviction (33)
<input type="checkbox"/> Other real property (26)
Unlawful Detainer
<input type="checkbox"/> Commercial (31)
<input type="checkbox"/> Residential (32)
<input type="checkbox"/> Drugs (38)
Judicial Review
<input type="checkbox"/> Asset forfeiture (05)
<input type="checkbox"/> Petition re: arbitration award (11)
<input type="checkbox"/> Writ of mandate (02)
<input type="checkbox"/> Other judicial review (39) | Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)
<input type="checkbox"/> Antitrust/Trade regulation (03)
<input type="checkbox"/> Construction defect (10)
<input type="checkbox"/> Mass tort (40)
<input type="checkbox"/> Securities litigation (28)
<input type="checkbox"/> Environmental/Toxic tort (30)
<input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
Enforcement of Judgment
<input type="checkbox"/> Enforcement of judgment (20)
Miscellaneous Civil Complaint
<input type="checkbox"/> RICO (27)
<input type="checkbox"/> Other complaint (not specified above) (42)
Miscellaneous Civil Petition
<input type="checkbox"/> Partnership and corporate governance (21)
<input type="checkbox"/> Other petition (not specified above) (43) |
|---|--|--|

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): 6
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: May 25th, 2012
Christopher K. Jafari, Esq.
(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE
• Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
• File this cover sheet in addition to any cover sheet required by local court rule.
• If this case is complex under rule 3.400 at seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
• Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties In Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

- Auto (22)—Personal Injury/Property Damage/Wrongful Death
- Uninsured Motorist (48) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)

Other PI/PD/AWD (Personal Injury/Property Damage/Wrongful Death) Tort

- Asbestos (04)
 - Asbestos Property Damage
 - Asbestos Personal Injury/Wrongful Death
- Product Liability (not asbestos or toxic/environmental) (24)
- Medical Malpractice (46)
 - Medical Malpractice—Physicians & Surgeons
 - Other Professional Health Care Malpractice
- Other PI/PD/AWD (23)
 - Premises Liability (e.g., slip and fall)
 - Intentional Bodily Injury/PD/AWD (e.g., assault, vandalism)
 - Intentional Infliction of Emotional Distress
 - Negligent Infliction of Emotional Distress
 - Other PI/PD/AWD

Non-PI/PD/AWD (Other) Tort

- Business Tort/Unfair Business Practice (07)
- Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08)
- Defamation (e.g., slander, libel) (13)
- Fraud (16)
- Intellectual Property (19)
- Professional Negligence (25)
 - Legal Malpractice
 - Other Professional Malpractice (not medical or legal)
- Other Non-PI/PD/AWD Tort (35)
- Employment
 - Wrongful Termination (36)
 - Other Employment (15)

Contract

- Breach of Contract/Warranty (06)
 - Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)
 - Contract/Warranty Breach—Seller Plaintiff (not fraud or negligence)
 - Negligent Breach of Contract/Warranty
 - Other Breach of Contract/Warranty
- Collections (e.g., money owed, open book accounts) (09)
- Collection Case—Seller Plaintiff
- Other Promissory Note/Collections Case
- Insurance Coverage (not provisionally complex) (18)
 - Auto Subrogation
 - Other Coverage
- Other Contract (37)
 - Contractual Fraud
 - Other Contract Dispute

Real Property

- Eminent Domain/Inverse Condemnation (14)
- Wrongful Eviction (33)
- Other Real Property (e.g., quiet title) (26)
 - Writ of Possession of Real Property
 - Mortgage Foreclosure
 - Quiet Title
 - Other Real Property (not eminent domain, landlord/tenant, or foreclosure)

Unlawful Detainer

- Commercial (31)
- Residential (32)
- Drugs (38) (if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)

Judicial Review

- Asset Forfeiture (05)
- Petition Re: Arbitration Award (11)
- Writ of Mandate (02)
 - Writ—Administrative Mandamus
 - Writ—Mandamus on Limited Court Case Matter
 - Writ—Other Limited Court Case Review
- Other Judicial Review (39)
 - Review of Health Officer Order
 - Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

- Antitrust/Trade Regulation (03)
- Construction Defect (10)
- Claims Involving Mass Tort (40)
- Securities Litigation (28)
- Environmental/Toxic Tort (30)
- Insurance Coverage Claims (arising from provisionally complex case type listed above) (41)

Enforcement of Judgment

- Enforcement of Judgment (20)
 - Abstract of Judgment (Out of County)
 - Confession of Judgment (non-domestic relations)
 - Sister State Judgment
 - Administrative Agency Award (not unpaid taxes)
 - Petition/Certification of Entry of Judgment on Unpaid Taxes
 - Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

- RICO (27)
- Other Complaint (not specified above) (42)
 - Declaratory Relief Only
 - Injunctive Relief Only (non-harassment)
 - Mechanics Lien
 - Other Commercial Complaint Case (non-tort/non-complex)
 - Other Civil Complaint (non-tort/non-complex)

Miscellaneous Civil Petition

- Partnership and Corporate Governance (21)
- Other Petition (not specified above) (43)
 - Civil Harassment
 - Workplace Violence
 - Elder/Dependent Adult Abuse
 - Election Contest
 - Petition for Name Change
 - Petition for Relief From Late Claim
 - Other Civil Petition

85-729/12

Exhibit A Page 21

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**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? YES CLASS ACTION? YES LIMITED CASE? YES TIME ESTIMATED FOR TRIAL ⁴ HOURS DAYS

Item II. Indicate the correct district and courthouse location (4 steps – If you checked “Limited Case”, skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column A, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column B below which best describes the nature of this case

Step 3: In Column C, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

- | | |
|---|--|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, central district | 6. Location of property or permanently garaged vehicle. |
| 2. May be filed in Central (other county, or no bodily injury/property damage). | 7. Location where petitioner resides. |
| 3. Location where cause of action arose. | 8. Location wherein defendant/respondent functions wholly. |
| 4. Location where bodily injury, death or damage occurred. | 9. Location where one or more of the parties reside. |
| 5. Location where performance required or defendant resides. | 10. Location of Labor Commissioner Office |

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A8070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7280 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4. 1., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 4.
		<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 4.
<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress		1., 3.	
<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death		1., 4.	

SHORT TITLE: Home Decor Center v Google, Inc.; Home Depot, Inc.	CASE NUMBER
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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons See Step 3 Above
Non-Personal Injury/Property Damage/Wrongful Death Tort	Business Tort (07)	<input checked="" type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1, 3
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1, 2, 3
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1, 2, 3
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1, 2, 3
	Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1, 2, 3 1, 2, 3
	Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2, 3
Employment	Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1, 2, 3
	Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1, 2, 3 10
Contract	Breach of Contract/Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2, 5 2, 5 1, 2, 5 1, 2, 5
	Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2, 5, 6 2, 5
	Insurance Coverage (18)	<input type="checkbox"/> A6016 Insurance Coverage (not complex)	1, 2, 5, 8
	Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1, 2, 3, 5 1, 2, 3, 5 1, 2, 3, 8
	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2
	Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2, 6
Real Property	Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2, 6 2, 6 2, 6
	Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2, 6
	Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2, 6
Unlawful Detainer	Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2, 6
	Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2, 6

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SHORT TITLE: Home Decor Center v Google, Inc.; Home Depot, Inc.	CASE NUMBER
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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6106 Asset Forfeiture Case	2., 6.
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compet/Confirm/Vacate Arbitration	2., 5.
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6038 Toxic Tort/Environmental	1., 2., 3., 8.
Enforcement of Judgment	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 6., 8.
	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment	2., 9.
		<input type="checkbox"/> A6160 Abstract of Judgment	2., 6.
		<input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations)	2., 9.
		<input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes)	2., 8.
		<input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax	2., 8.
<input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 8., 9.		
Miscellaneous Civil Complaints	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only	1., 2., 8.
		<input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment)	2., 8.
		<input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex)	1., 2., 8.
<input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8.		
Miscellaneous Civil Petitions	Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment	2., 3., 9.
		<input type="checkbox"/> A6123 Workplace Harassment	2., 3., 9.
		<input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case	2., 3., 9.
		<input type="checkbox"/> A6190 Election Contest	2.
		<input type="checkbox"/> A6110 Petition for Change of Name	2., 7.
<input type="checkbox"/> A6170 Petition for Relief from Late Claim Law	2., 3., 4., 8.		
<input type="checkbox"/> A6100 Other Civil Petition	2., 9.		

2/2/2008

SHORT TITLE: Home Decor Center v Google, Inc.; Home Depot, Inc.	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected

REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case. <input type="checkbox"/> 1. <input type="checkbox"/> 2. <input checked="" type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.		ADDRESS: 17120 S Figueroa St.
CITY: Gardena	STATE: CA	ZIP CODE: 90248

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Superior courthouse in the Los Angeles District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subds. (b), (c) and (d)].

Dated: May 25, 2012

(SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

05/25/12

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PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action; my business address is **10880 Wilshire Blvd., Suite 1150, Los Angeles, California 90024.**

On June 29, 2012, I served true copies of the foregoing document described as **DEFENDANT THE HOME DEPOT, INC.'S NOTICE OF REMOVAL OF ACTION; DEMAND FOR JURY TRIAL; JOINDER OF DEFENDANT GOOGLE INC.**

on the party in this action as follows:

**Christopher K. Jafari
Law Offices of Christopher K. Jafari
Jamboree Business Center
1 Park Plaza, Sixth Floor
Irvine, California 92614**

BY MAIL: I enclosed the foregoing into a sealed envelope addressed as shown above, and I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on June 29, 2012, at Los Angeles, California.



Anna Vining