ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):	PLD-C-001
Lawrence M. Schwab, Bar No. 085600	FOR COURT USE ONLY
Gaye Nell Heck, Bar No. 170804	
Bialson, Bergen & Schwab	FILE
633 Menlo Avenue, Suite 100	1.11 En
Menlo Park, CA 94025	
TELEPHONE NO: 650 857-9500 FAX NO. (Optional): 650 494-2738	4016 NOV -
E-MAIL ADDRESS (Optional): gheck@bbslaw.com	29 1 6
ATTORNEY FOR (Name): Plaintiffs Yahoo! Inc. and BrightRoll, Inc.	A 10: 10
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara	O TOTAL COMMENT
STREET ADDRESS: 191 North First Street	The second secon
MAILING ADDRESS:	H /
CITY AND ZIP CODE: San Jose, CA 95113	90
PLAINTIFF Yahoo! Inc. and BrightRoll, Inc.;	FOR COURT USE ONLY 2016 NOV 29 A 10: 19 AUTO COURT USE ONLY 2016 NOV 29 A 10: 19 AUTO COURT USE ONLY
FLAINTIFF Tanoo: The. and Brightkoll, The.,	
DEFENDANT: Are You A Human, Inc.;	4
X DOES 1 TO 10;	
X DOES 1 TO 10;	- (]
X COMPLAINT AMENDED COMPLAINT (Number):	
CROSS-COMPLAINT AMENDED CROSS-COMPLAINT (Number):	
Jurisdiction (check all that apply):	CASE NUMBER:
ACTION IS A LIMITED CIVIL CASE	
Amount demanded does not exceed \$10,000	
exceeds \$10,000, but does not exceed \$25,000	
X ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)	6 C V 3 O 3 1 8 8
	p C 1 3 0 3 1 0 0
from limited to unlimited	
from unlimited to limited	
1. Plaintiff* (name or names): Yahoo! Inc. and BrightRoll, Inc.	
	53
alleges causes of action against defendant* (name or names): Are You A Human, I	nc.
2. This pleading, including attachments and exhibits, consists of the following number of pages:	35
2. This pleading, including attachments and exhibits, consists of the following residuals	
3. a. Each plaintiff named above is a competent adult	
x except plaintiff (name): Yahoo! Inc. (see Attachment 3a)	
(1) x a corporation qualified to do business in California	
[] to the state of the state o	
(3) other (specify):	
b. Plaintiff (name):	the fetitious name (energial)
 Plaintiff (name): a. has complied with the fictitious business name laws and is doing business under the compliance of the complex of th	er the fictitious hame (specify).
 b has complied with all licensing requirements as a licensed (specify): 	
c. Information about additional plaintiffs who are not competent adults is shown in Attac	hment 3c.
a have is a patural person	
4. a. Each defendant named above is a natural person x except defendant (name): Are You A except defendant (name)	e):
Human, Inc.	anization, form unknown
(1) a business organization, form unknown	
(2) x a corporation	ated entity (describe):
(3) an unincorporated entity (describe):	tion office from the first from the
(A) a public entity	(describe):
(4) a public entity (describe):	
(5) other (specify):	00-2007-007-202
* If this form is used as a cross-complaint, plaintiff means cross-complainant and defendant means of	cross-defendant. Page 1 of 2 Code of Civil Procedure, § 425.12

	PLD-C-00)1
	TLE: Yahoo! Inc. and BrightRoll, Inc. vs. Are You A CASE NUMBER.	8
	nued) le true names of defendants sued as Does are unknown to plaintiff. X Doe defendants (specify Doe numbers): 1-10	_
a b c d e f. g	court is the proper court because a defendant entered into the contract here. a defendant lived here when the contract was entered into. a defendant lives here now. the contract was to be performed here. a defendant is a corporation or unincorporated association and its principal place of business is here. real property that is the subject of this action is located here. other (specify): The parties consented to the jurisdiction and venue of the Santa Clara County Superior Court. Sollowing causes of action are attached and the statements above apply to each (each complaint must have one or causes of action attached): Breach of Contract Common Counts Other (specify):	
9. 🗔	Other allegations: The subject contract was to be performed in Santa Clara County and the breach occurred here.	
10. F	tiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for damages of: \$ 151,875.81 interest on the damages (1)	
11.[The paragraphs of this pleading alleged on information and belief are as follows (specify paragraph numbers):	
Date	byember 22, 2016 BIALSON, BERGEN & SCHWAB	
Gar	Nell Heck (Type or print name) (Signature of Plaintiff or attorney)	_
	(If you wish to verify this pleading, affix a verification.)	_

PLD-C-001	14
L LD-C-00 II	11

SHORT TITLE: Yahoo! Inc. and BrightRoll, Inc. vs. Are You A Human, Inc.

CASE NUMBER:

ATTACHMENT TO X Complaint Cross - Complaint
(Use a separate cause of action form for each cause of action.)
BC-1. Plaintiff (name): Yahoo! Inc. and BrightRoll, Inc.
alleges that on or about (date): 2014 a X written oral X other (specify): implied-in-fact agreement was made between (name parties to agreement): Plaintiff Yahoo! Inc. and BrightRoll, Inc. and Defendant Are You A Human, Inc. and DOES 1-10 X A copy of the agreement is attached as Exhibit A, or X The essential terms of the agreement are stated in Attachment BC-1 are as follows (specify): Defendant Are You A Human, Inc. ("Defendant") ordered and received advertising services from BrightRoll, Inc. ("BrightRoll"). BrightRoll was subsequently acquired by Yahoo on or about December 15, 2014. On April 2, 2015, Defendant accepted an Insertion Order in which it requested and agreed to pay for advertising services from Yahoo (hereinafter "Insertion Order"). A true and correct copy of the Insertion Order is attached as Exhibit A. The Insertion Order is subject to Yahoo's Master Terms and Conditions and Program Terms, which are attached as Exhibit B. BrightRoll performed all obligations to provide advertising services to the Defendant, and Yahoo provided all search term advertising required under the Insertion Order. Yahoo and BrightRoll issued invoices to the Defendant, which have a current outstanding balance of \$151,875.81 (hereinafter the "Invoices"). True and correct copies of the Invoices are attached as Exhibit C. BC-2. On or about (dates): January 29, 2015 and thereafter defendant breached the agreement by the acts specified in Attachment BC-2 x the following acts (specify): Failing to make payment for the advertising services provided by Yahoo and BrightRoll.
BC-3. Plaintiff has performed all obligations to defendant except those obligations plaintiff was prevented or excused from performing.
BC-4. Plaintiff suffered damages legally (proximately) caused by defendant's breach of the agreement as stated in Attachment BC-4 x as follows (specify): \$151,875.81
BC-5. X Plaintiff is entitled to attorney fees by an agreement or a statute of \$ x according to proof. BC-6. X Other: Prejudgment interest at the rate of ten (10%) percent per annum from and after January 29, 2015.
Page 3 Page 1 of 1

CASE NUMBER: SHORT TITLE: Yahoo! Inc. and BrightRoll, Inc. vs. Are You A Human, Inc. CAUSE OF ACTION—Common Counts ATTACHMENT TO X Complaint Cross - Complaint (Use a separate cause of action form for each cause of action.) CC-1. Plaintiff (name): Yahoo! Inc. and BrightRoll, Inc. alleges that defendant (name): Are You A Human, Inc. and DOES 1-10 other (name): x plaintiff became indebted to a. x within the last four years on an open book account for money due. because an account was stated in writing by and between plaintiff and defendant in which it was agreed that defendant was indebted to plaintiff. within the last ____ two years ____ four years for money had and received by defendant for the use and benefit of plaintiff. for work, labor, services and materials rendered at the special instance and request of defendant and for which defendant promised to pay plaintiff the sum of \$ the reasonable value. for goods, wares, and merchandise sold and delivered to defendant and for which defendant promised to pay plaintiff the sum of \$ the reasonable value. for money lent by plaintiff to defendant at defendant's request. (4) for money paid, laid out, and expended to or for defendant at defendant's special instance and request. (6) other (specify): , which is the reasonable value, is due and unpaid despite plaintiffs demand, CC-2. \$ 151,875.81 plus prejudgment interest according to proof x at the rate of 10 percent per year from (date): January 29, 2015 CC-3. X Plaintiff is entitled to attorney fees by an agreement or a statute x of\$ 1,000.00 per Civ. Code 1717.5 according to proof. CC-4. Other:

Page 4

Page 5

Page 1 of 1 Code of Civil Procedure, § 425.12

CC-4. Other:

of \$

according to proof.

PLD-C-001(
HORT TITLE: Yahoo! Inc. and BrightRoll, Inc. vs. Are You A CASE NUMBER:
CAUSE OF ACTION—Common Counts ATTACHMENT TO X Complaint Cross - Complaint (Use a separate cause of action form for each cause of action.) CC-1. Plaintiff (name): Yahoo! Inc. and BrightRoll, Inc. alleges that defendant (name): Are You A Human, Inc. and DOES 1–10 became indebted to Implaintiff other (name): a. within the last four years (1) on an open book account for money due. (2) because an account was stated in writing by and between plaintiff and defendant in which it was agreed that defendant was indebted to plaintiff. b. within the last Implaintiff of our years (1) for money had and received by defendant for the use and benefit of plaintiff. (2) for work, labor, services and materials rendered at the special instance and request of defendant and for which defendant promised to pay plaintiff the sum of \$151, 875.81 the reasonable value. (3) for goods, wares, and merchandise sold and delivered to defendant and for which defendant promised to pay plaintiff the sum of \$ the reasonable value. (4) for money lent by plaintiff to defendant at defendant's request. (5) for money paid, laid out, and expended to or for defendant at defendant's special instance and request. (6) other (specify):
CC-2. \$ 151,875.81 , which is the reasonable value, is due and unpaid despite plaintiffs demand, plus prejudgment interest according to proof x at the rate of 10 percent per year from (date): January 29, 2015 CC-3. Plaintiff is entitled to attorney fees by an agreement or a statute of \$ according to proof. CC-4. Other:

Page 6

1 Attachment 3. a. except Plaintiff BrightRoll, Inc., a corporation qualified to do business in California. (Required for verified pleading) The items on this page stated on information and belief (specify item numbers, not line This page may be used with any Judicial Council form or any other paper filed with this court. Page 7



SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: Are You A Human; and DOES 1- 10; (AVISO AL DEMANDADO):

YOU ARE BEING SUED BY PLAINTIFF: Yahoo! Inc. and (LO ESTÁ DEMANDANDO EL DEMANDANTE): BrightRoll, Inc.;



NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le

podrá quitar su sueldo, dinero y bienes sin más advertencia.
Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso. name and address of the court

	CASE NUMBER: (Número del Caso):	
Superior Court County of Santa Clara 191 North First Street	16 C V 3	0318
San Jose, CA 95113 The name, address, and telephone number of plaintiff's attorney, or plaintiff without an atto (El nombre, la dirección y el número de teléfono del abogado del demandante, o del domi	orney is:	

8 S T 16 io dei demandante, o del demandante que no tiene abogado, es). Lawrence M. Schwab, Bar No. 085600 650 857-9500 650 494-2738 Gaye Nell Heck, Bar No. 170804 Bialson, Bergen & Schwab 633 Menlo Avenue, Suite 100, Menlo Park, CA 94025 DATE: Clerk, by Deputy (Fecha) NOV 2 9 2016 (Secretario) (Adjunto) (For proof of service of this summons, use Proof of Service of Summons (form POS-010).) (Para prueba de entrega de esta citatión use el formulario Proof of Service of Summons, (POS-010)). NOTICE TO THE PERSON SERVED: You are served (SEAL) as an individual defendant. as the person sued under the fictitious name of (specify): 2. on behalf of (specify): under: CCP 416.10 (corporation) CCP 416.60 (minor) CCP 416.20 (defunct corporation) CCP 416.70 (conservatee) CCP 416.40 (association or partnership)

Form Adopted for Mandatory Use Judicial Council of California

by personal delivery on (date): SHMMONS

other (specify):

Page 1 of 1

CCP 416.90 (authorized person)

Lawrence M. Schwab, Bar No	O S S C O O	FOR COURT USE ONLY		
Gaye Nell Heck, Bar No. 17	003000			
Bialson, Bergen & Schwab	0804			
633 Menlo Avenue, Suite 10	n			
Menlo Park, CA 94025	U			
TELEPHONE NO.: 650 857-9500	650 101 0500			
	FAX NO: 650 494-2738	(_ [])		
ATTORNEY FOR (Name) Plaintiff Yahoo!	Inc. and BrightRoll, Inc.	2016 NOV 29 A 10013		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF S	anta Clara	2016 NOV 20 1 =		
STREET ADDRESS 191 North First	Street	4/1 A 10eg/ 3		
MAILING ADDRESS:	1.2	Parents / BB. 5		
city and zip code San Jose, CA 953	.13	Cand H. Yamasalu, Clark of the Supegor Court		
BRANCH NAME:		County of Safita Clara Catholic Court		
CASE NAME: Yahoo! Inc. and F You A Human, Inc.	BrightRoll, Inc. vs. Are	1		
CIVIL CASE COVER SHEET	Complex Core Booler N	CASE NUMBER:		
	Complex Case Designation	O D = () =		
X Unlimited Limited (Amount (Amount	Counter Joinder	16CV30/3188		
(Amount (Amount demanded is	Filed with first appearance by defenda	nt JUDGE.		
exceeds \$25,000) \$25,000 or less)	(Cal. Rules of Court, rule 3.402)	DEPT:		
	elow must be completed (see instructions	on page 2)		
1. Check one box below for the case type the		s on page 2).		
		0		
Auto Tort	Contract	Provisionally Complex Civil Litigation		
Auto (22)	Breach of contract/warranty (06)	(Cal. Rules of Court, rules 3.400-3.403)		
Uninsured motorist (46)	Rule 3.740 collections (09)	Antitrust/Trade regulation (03)		
Other PI/PD/WD (Personal Injury/Property	Other collections (09)	Construction defect (10)		
Damage/Wrongful Death) Tort	Insurance coverage (18)	Mass tort (40)		
		Securities litigation (28)		
Asbestos (04)	Other contract (37)			
Product liability (24)	Real Property	Environmental/Toxic tort (30)		
Medical malpractice (45)	Eminent domain/Inverse	Insurance coverage claims arising from the		
Other PI/PD/WD (23)	condemnation (14)	above listed provisionally complex case		
A Company of the Comp	Wrongful eviction (33)	types (41)		
Non-PI/PD/WD (Other) Tort	Other real property (26)	Enforcement of Judgment		
Business tort/unfair business practice (0)		Enforcement of judgment (20)		
Civil rights (08)	Unlawful Detainer	Miscellaneous Civil Complaint		
Defamation (13)	Commercial (31)			
Fraud (16)	Residential (32)	RICO (27)		
Intellectual property (19)	Drugs (38)	Other complaint (not specified above) (42)		
	Judicial Review	Miscellaneous Civil Petition		
Professional negligence (25)		Partnership and corporate governance (21)		
Other non-PI/PD/WD tort (35)	Asset forfeiture (05)	Other petition (not specified above) (43)		
Employment	Petition re: arbitration award (11)	Other petition (not specified above) (45)		
Wrongful termination (36)	Writ of mandate (02)			
Other employment (15)	Other judicial review (39)			
		es of Court. If the case is complex, mark the		
2. This case is x is not com	plex under rule 3.400 or the camornia run	000100011111111111111111111111111111111		
factors requiring exceptional judicial mana	esented parties d. Large number	of witnesses		
a. Large number of separately repr	Coordination	with related actions pending in one or more courts		
b. Extensive motion practice raising	[20] [20] [20] [20] [20] [20] [20] [20]	es, states, or countries, or in a federal court		
issues that will be time-consuming				
 c. Substantial amount of document 		stjudgment judicial supervision		
3. Remedies sought (check all that apply): a	. 🔀 monetary b. 💹 nonmonetary; d	leclaratory or injunctive relief c punitive		
4. Number of causes of action (specify): F				
5. This case is x is not a class action suit.				
6. If there are any known related cases, file	and serve a notice of related case. (You n	nay use form CM-015.)		
Date: November 4, 2016	▶ ()/∧	1. 11.16-16		
Gaye Nell Heck	P & W.	A TIPLE NECLO		
(TYPE OR PRINT NAME)	(SIC	NATURE OF PARTY OR ATTORNEY FOR PARTY)		
	NOTICE			
Plaintiff must file this cover sheet with the	first paper filed in the action or proceeding	g (except small claims cases or cases filed		
 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 et 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. 				
 If this case is complex under rule 3.400 e other parties to the action or proceeding. 	seq. of the California Rules of Court, you	must serve a copy of this cover sheet on all		
Unless this is a collections case under rule.	e 3 740 or a compley sees this	eet will be used for statistical purposes only.		
Form Adopted for Mandatory Lise	case, this cover she	eet will be used for statistical purposes only.		

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