

1. Gregory Ackers(Pro-Per)  
2. 299 17<sup>th</sup> St.  
3. San Diego,Ca 92101

SUPERIOR COURT OF CALIFORNIA  
SANTA CLARA COUNTY

**FILED**

JUN 14 2019

Clerk of the Court  
Superior Court of CA County of Santa Clara  
BY L. Del Mundo DEPUTY

6. Gregory Ackers (Et-Al)  
7. Principal Plaintiff  
8. V.  
9. GOOGLE  
10. SUNDAR PICHAI  
11. Defendant(s)

CASE # **19CV849006**

ANTI-TRUST  
MONOPOLY  
UNFAIR BUSINESS PRACTICE  
JURY TRIAL DEMAND

STATEMENT OF FACTS

13. We,the aforementioned CLASS,do represent to the Court that Dfts GOOGLE & its Founder/CEO have  
14. employed ANTI-COMPETITIVE CONDUCT in order to diminish incentives of COMPETITION in re; the  
15. cataloguing & dissemination of subscriber identification. In this way,Dft GOOGLE & its owner  
16. engaged in stand-alone violations of COVENANTS NOT TO COMPETE,IN RE; UCL Business &  
17. Professions code. Dfts did,indeed,employ anti-competitive contractual restrictions on automated  
18. cross-management of subscriber information. Aforenamed restrictions are condemned by  
19. CARTWRIGHT ACT (16720) of Calif. Business & Professions Code,as well as 16600-16602.5 of Calif.  
20. Code,due to limitations on advertisers ability to make use of data. This reduced innovation &  
21. increased transaction among advertisers & 3<sup>rd</sup> pty businesses. In addition,the activity degrades  
22. quality of Dfts rivals,as well as search & search advertising. Dfts "preferred efficiency" justification  
23. for restrictions was pre-textual. Dfts exclusionary agreements were,indeed, violative of Calif. Bus &  
24. Prof. Code,due to the attempts by Dfts to actively foreclose a portion of the marketplace.  
25. Their behavior resulted in denial-of-scale to any & all competitors,as well as being a significant  
26. barrier to potential entrants, in the overall term.  
27. WE,in acting as a CLASS,represent to the Superior Court that Dft(s) engaged in "abuse of  
28. dominance" within the following areas:

1.

1. The Class does allege to the Court that Dfts engaged in "abuse of dominance" within the
2. following 4 areas;
3. a.) Favorable treatment of its own vertical-search services, compared to its competitors in
4. natural search-results.
5. b.) The practice of copying 3<sup>rd</sup> party-content (in order to supplement its own vertical offerings).
6. c.) Exclusivity agreements with publishers for provisions of search-advertising intermediate
7. services.
8. d.) Restrictions with regard to portability & cross-platform management of online advertising
9. campaigns.

10. The Class heretofore represents to the Superior Court that Dfts have engaged in Tort-liability.

#### 11. JURISDICTION & VENUE

12. The Superior Court retains both Personal Jurisdiction over this civil lawsuit in re; CCP 395.5,
13. as well as Subject Matter Jurisdiction in re; CCP 410.50, as the amount of damages in question
14. exceed \$1 Million. In re; CCP 382, this civil-lawsuit does stand as a class-action.

#### 15. THE PARTIES

16. THE PRINCIPAL PLAINTIFF Gregory Ackers is a citizen of San Diego, Ca & is a GOOGLE
17. Subscriber with a GMAIL account.
18. THE CLASS is a multi-faceted cross-section of world citizens in re; "diversity" element of 28 USC-
19. Section 1332. GOOGLE customers do comprise an element of almost 2 billion people. They do
20. utilize GOOGLE as an industrial & communications platform..
21. THE DEFENDANTS involve GOOGLE, which is a public Delaware Corporation with Corporate
22. H.Q. in Sunnyvale, Ca. Sundar Pichai is the founder & CEO who owns & operates
23. GOOGLE. He is a citizen of California. Dft Google trades, leases & licenses search-products &
24. services, including a "horizontal" search-engine, as well as numerous integrated "vertical"
25. websites.

#### 26. THE TECHNOLOGY INDUSTRY

27. The internet is a vast, largely unorganized platform of constantly-changing information, in which
28. algorithms act as an actual & virtual card-catalogue.

1. Dft has unlawfully "scraped", or appropriated content of vertical-websites in order to improve its
2. own online vertical-properties. In this way, GOOGLE sought to maintain, enhance & preserve
3. MONOPOLY power in mkts for search & search-advertising. Such conduct is violative of Section 2
4. of SHERMAN & CARTWRIGHT. In sum; evidence within this civil lawsuit detail Dfts
5. monopolistic activities in scraping rival content, in order to improve its own complimentary
6. vertical-offerings. This was done, egregiously, to the detriment of all rivals. These activities were
7. performed without countervailing efficiency justification.
8. Dfts conduct resulted & will result in harm to consumers & innovation within online search &
9. & advertising mkts. Dfts did strengthen MONOPOLISTIC, anti-competitive means, thereby
10. forestalling competitors abilities. This activity has overall lasting effects on overall consumer
11. welfare.

12. PLATFORM PRIVELEGE

13. Clearly, Dfts do retain Platform Privelege, which allows them incentive & ability to prioritise their
14. own goods & svcs over that of their competitors.

15. PRICE FIXING-GROUP BOYCOTTING/MKT DIVISION SCHEME/EXCLUSIVE  
16. DEALINGS/PRICE DISCRIMINATION/TYING

17. Dft(s) unlawfully maintained MONOPOLY over general search & search-advertising.
18. Furthermore, Dfts engaged in VIOLATIONS OF U.S ANTI-TRUST codes in the following ways;
19. a.) "Scraping" content of rival vertical-websites in order to improve its own product-offerings.
20. b.) Unfair methods of competition by entering into exclusive, restrictive agreements with web-
21. publishers, thereby preventing them from displaying competing search-results/advertisements.
22. c.) Maintaining contractual restrictions which inhibit cross-platform mgmt. of ad campaigns.
23. In utilizing these methods, GOOGLE, in alignment with its officers, has violated The Cartwright
24. Act, The Clayton Act, The FTC Act & The Sherman Act, simultaneously.

25. CAUSES OF ACTION

26. COUNT 1

27. ANTI-TRUST

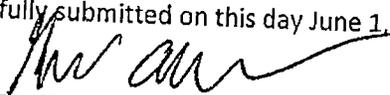
28. GOOGLE & its officers did willfully engage in "exclusionary course of conduct" (CARTWRIGHT)



1. CLASS prays for the same damages in re; SHERMAN be also applied to FTC & CLAYTON. The  
2. Clayton Act bans "discriminatory prices, services & allowances in dealing between  
3. merchants. CLAYTON authorizes pvt parties to sue for TREBLE DAMAGES when harmed by  
4. conduct in violation of SHERMAN & FTC, as well as obtaining INJUNCTIVE orders prohibiting  
5. future anti-competitive behaviour. The CLASS prays for damages in the considered amount  
6. of all insidious profiteering in re; anti-trust & monopolization incurred by Dft(s) to hi-jack  
7. the online mktplace. The CLASS prays for DAMAGES amounting to \$1 Billion. This, including  
8. all profits, receipts & accounts payable, if billed by Dft(s) in any act of illegality or civil  
9. liability. These to be paid to The CLASS by any & all Dfts jointly, severally &, or, individually, in  
10. association with legal, administrative & subsidiary costs. IN re; CCP 631 & Sec. 16 of Article 1  
11. of The California Constitution, we, as a CLASS, hereby demand TRIAL BY JURY within the  
12. Jurisdiction on all points so triable & judiciable.

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18. Respectfully submitted on this day June 1, 2019 by Gregory Ackers (Principal Pltf)

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21. Signed

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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  
**Gregory Ackers (Pro-Per)**  
299 17th St. San Diego, CA 92101  
TELEPHONE NO.: 619 885 9501 FAX NO:  
ATTORNEY FOR (Name): **Pro-Per**

FOR COURT USE ONLY  
**FILED**  
JUN 14 2019  
Clerk of the Court  
Superior Court of CA County of Santa Clara  
BY **L. Del Mundo** DEPUTY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF **Santa Clara**  
STREET ADDRESS: **191 N. 1st St.**  
MAILING ADDRESS:  
CITY AND ZIP CODE: **San Jose, CA 95113**  
BRANCH NAME:

CASE NAME: **Ackers V. Google (et-al)**

**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: **19CV349006**

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:
- |   |   |  |
|---|---|--|
| <p><b>Auto Tort</b></p> <input type="checkbox"/> Auto (22)<br><input type="checkbox"/> Uninsured motorist (46) <p><b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b></p> <input type="checkbox"/> Asbestos (04)<br><input type="checkbox"/> Product liability (24)<br><input type="checkbox"/> Medical malpractice (45)<br><input type="checkbox"/> Other PI/PD/WD (23) <p><b>Non-PI/PD/WD (Other) Tort</b></p> <input type="checkbox"/> Business tort/unfair business practice (07)<br><input type="checkbox"/> Civil rights (08)<br><input type="checkbox"/> Defamation (13)<br><input type="checkbox"/> Fraud (16)<br><input type="checkbox"/> Intellectual property (19)<br><input type="checkbox"/> Professional negligence (25)<br><input type="checkbox"/> Other non-PI/PD/WD tort (35) <p><b>Employment</b></p> <input type="checkbox"/> Wrongful termination (36)<br><input type="checkbox"/> Other employment (15) | <p><b>Contract</b></p> <input type="checkbox"/> Breach of contract/warranty (05)<br><input type="checkbox"/> Rule 3.740 collections (09)<br><input type="checkbox"/> Other collections (09)<br><input type="checkbox"/> Insurance coverage (18)<br><input type="checkbox"/> Other contract (37) <p><b>Real Property</b></p> <input type="checkbox"/> Eminent domain/Inverse condemnation (14)<br><input type="checkbox"/> Wrongful eviction (33)<br><input type="checkbox"/> Other real property (26) <p><b>Unlawful Detainer</b></p> <input type="checkbox"/> Commercial (31)<br><input type="checkbox"/> Residential (32)<br><input type="checkbox"/> Drugs (38) <p><b>Judicial Review</b></p> <input type="checkbox"/> Asset forfeiture (05)<br><input type="checkbox"/> Petition re: arbitration award (11)<br><input type="checkbox"/> Writ of mandate (02)<br><input type="checkbox"/> Other judicial review (39) | <p><b>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</b></p> <input checked="" type="checkbox"/> Antitrust/Trade regulation (03)<br><input type="checkbox"/> Construction defect (10)<br><input type="checkbox"/> Mass tort (40)<br><input type="checkbox"/> Securities litigation (28)<br><input type="checkbox"/> Environmental/Toxic tort (30)<br><input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <p><b>Enforcement of Judgment</b></p> <input type="checkbox"/> Enforcement of judgment (20) <p><b>Miscellaneous Civil Complaint</b></p> <input type="checkbox"/> RICO (27)<br><input type="checkbox"/> Other complaint (not specified above) (42) <p><b>Miscellaneous Civil Petition</b></p> <input type="checkbox"/> Partnership and corporate governance (21)<br><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 checked="" 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 checked="" 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):

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: **JUNE 1 2019 Gregory Ackers** *[Signature]* **(Pro-Per)**

(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 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.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.