

Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

FILED

UNITED STATES DISTRICT COURT

for the

Northern District of California



Civil Division

JUL 03 2019

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA
OAKLAND OFFICE

Musey, Inc. ("Mosss")

Case No.

C19-3864 DMR

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Google, LLC

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Handwritten: (4) pd 155

COMPLAINT AND REQUEST FOR INJUNCTION

Star arrow + Serving a Civil request to have access to our data restored (or provided to us) outlined in document for serving Civil Subpoenas + Civil Requests given to us (emailed) by Google. i.e. Google sent us instructions to get our data back.

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name: MUSEY, Inc. (Delaware incorporated)
Street Address: 601 4TH Street, STE 111
City and County: San Francisco
State and Zip Code: CA 94107
Telephone Number: 617.335-6451
E-mail Address: cmfulton@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

Defendant No. 1

Name Google, LLC
Job or Title *(if known)* _____
Street Address 1600 Amphitheatre Parkway
City and County Mountain View
State and Zip Code CA
Telephone Number _____
E-mail Address *(if known)* _____

Defendant No. 2

Name _____
Job or Title *(if known)* _____
Street Address _____
City and County _____
State and Zip Code _____
Telephone Number _____
E-mail Address *(if known)* _____

Defendant No. 3

Name _____
Job or Title *(if known)* _____
Street Address _____
City and County _____
State and Zip Code _____
Telephone Number _____
E-mail Address *(if known)* _____

Defendant No. 4

Name _____
Job or Title *(if known)* _____
Street Address _____
City and County _____
State and Zip Code _____
Telephone Number _____
E-mail Address *(if known)* _____

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)

- Federal question
- Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case. Other - Personal Property Damage. (Tort 380)

Tort 380 - Other Personal Property Damage (Google Suite Business account: Google Drive storing all documents.)

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, (name) Google, LLC, is a citizen of the State of (name) California.

b. If the plaintiff is a corporation

The plaintiff, (name) Musey, Inc, is incorporated under the laws of the State of (name) Delaware, and has its principal place of business in the State of (name) California.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (name) _____, is a citizen of the State of (name) _____. Or is a citizen of (foreign nation) _____.

b. If the defendant is a corporation

The defendant, *(name)* Google, LLC, is incorporated under the laws of the State of *(name)* California, and has its principal place of business in the State of *(name)* California.
Or is incorporated under the laws of *(foreign nation)* _____,
and has its principal place of business in *(name)* _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

\$1,500,000

This is what was invested in Musey, Inc that was used to create our IP largely stored in Google's GSuite (a paid) business account in the form of Google Docs, Slides, Sheets, and other apps and associated links.

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

The events occurred in San Francisco, CA at 601 4th Street.

B. What date and approximate time did the events giving rise to your claim(s) occur?

June 8th, 2019. A Saturday, in the morning.

- C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*
 Our Google Gsuite account was accidentally deleted. Within an hour of thi happening we contacted Google and explained our mistake and asked for our Gsuite Business account to be restored. At that point we were not overly cocerned and the Google service person assured us he would be right on it. However, while clearly an urgent matter, to our dismay, our case was not escalated, and no action was taken for nearly 3 days! From a business point of view, we had no access to emails and lost all contact with our clients and users. At this point we contacted Google several times over the next week, increasingly desperate, creating multiple cases, in an effort to restore our data access. All efforts failed, and at the end we received a one-line email that stated our data was lost and couldn't be returned to us. However, we were told we could pursue, via a subpoena or civil request for our data, access to our own IP and data. This is that effort here. We simply want our data back or access to our data with an opportunity to download it to storage.

IV. Irreparable Injury

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

Monetary damages are not what we are primarily seeking. While our data has real monetary value (we have had investment of ~\$1,500,000 from VC investors, and Family & Friends) it is the work created by scores of employees and contractors over 3 years that is irreplaceable. Docs and Presentations and spreadsheets containing all matters of data science, engineering and design. User Feedback studies, UX/UI design and testing, algorithm evaluations, demos, videos, Engineering attempts and documented approaches that tell us why one approach worked and another didn't, for example. This knowledge and data we collected are just one example of why this data would be impossible to reproduce and can therefore not be easily reproduced monetarily. Also, we had emails with investors, we had a shipment of vases going to Denmark that required timely communication that overnight was wiped out making it look very bad from our side. In addition to company data, there is also some private data, specifically, some health data that is VERY important and urgent to regain access to as quickly as possible. (A sick nephew with Neuroblastoma and in need of urgent care. All records are found in these GSuite account(s).

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

- 1) Injunctive Relief - Do Not Delete Data
- 2) Subpoena returning all data and access to G-Suite

- OR -

Court order command restoration of data and return access to data

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 06/28/2019

Signature of Plaintiff *Christian Fulton* *Musey, Inc. Signature by co-founder of Musey, Inc Christian Fulton.*
Printed Name of Plaintiff Christian Fulton

B. For Attorneys

Date of signing: _____

Signature of Attorney _____
Printed Name of Attorney _____
Bar Number _____
Name of Law Firm _____
Street Address _____
State and Zip Code _____
Telephone Number _____
E-mail Address _____

Serving Civil Subpoenas or Other Civil Requests on Google

- If you are in the U.S.
- If you are outside of the U.S.
- Where can I obtain information about my own account?

This page provides information for an individual or an attorney seeking user data in a civil case in the U.S. or outside of the U.S. When Google receives requests for user data, we review them very carefully according to applicable state and federal laws. It's Google's policy to notify users before data is disclosed as set out here.

If you are law enforcement seeking user data related to a criminal case, you can read more about our policies and processes at the Transparency Report.

Civil Requests from Inside the U.S.

Google accepts civil requests for user data (including subpoenas and court orders) issued from the Santa Clara Superior Court or the U.S. District Court for the Northern District of California. You can serve Google with the civil request through the appropriate office of Google's registered service agent, Corporation Service Company (or "CSC").

The CSC office in California is located at the following address:

Corporation Service Company
2710 Gateway Oaks Drive, Suite 150N
Sacramento, CA 95833

If you would like to serve Google with the civil requests through CSC outside of California, you may be able to find other addresses for CSC by searching for Google LLC on the website of the Secretary of State for other states ("Other Google Notice Addresses").

We prefer that service be made through CSC because service on Google through CSC will ensure the most efficient handling of the request possible.¹

Requests must specifically name the product/service and identify the accounts by email address or other appropriate unique identifier. Requests to identify users by real names or IP addresses may be declined.

Google is unable to accept service by email, fax, or regular mail.

Civil Requests from Outside the U.S.

For requests from outside the U.S., Google LLC can be reached at:

Google LLC
c/o Custodian of Records
1600 Amphitheatre Parkway
Mountain View, California 94043
United States of America

To avoid delays, please provide an email address to which we can respond.

Requests must specifically name the product/service and identify the accounts by email address or other appropriate unique identifier. Requests to identify users by real names or IP addresses may be declined.

Where can I obtain information about my own account?

If you are a user seeking your own data, Google Dashboard (www.google.com/dashboard) provides a summary of information associated with your account.

Additionally, you can use Google Takeout (www.google.com/takeout) to download data stored within your account.

¹If you want to serve Google by other means (and not through CSC), check the applicable laws, rules, and regulations governing your legal request. Depending on the the type of service permitted, Google may accept service as follows:

If service by Fedex, UPS, or certified mail is permitted, you can serve Google at the following address:

Google LLC
C/O Custodian of Records
1600 Amphitheatre Parkway
Mountain View, CA 94043



If service by personal service is permitted, you can serve Google at the following address:

Google LLC
C/O Custodian of Records
1001 North Shoreline Boulevard
Mountain View, CA 94043

Was this helpful?

Yes No

Serving Civil Subpoenas on Google

-  [Serving Civil Subpoenas or Other Civil Requests on Google](#)
-  [Serving Requests for User Data On Behalf of Defendants in Criminal Proceedings in the U.S. on Google](#)

English ▼

