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FEB 20 2013

Attorneys for defendant  
TELETECH SERVICES CORPORATION

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

11 DAVID F. CALKINS,  
12 Plaintiff,

**CV 13 CASE NO. 0760**

**PSG**

v.

**NOTICE OF REMOVAL UNDER  
28 U.S.C. § 1332(d) (CLASS  
ACTION FAIRNESS ACT OF  
2005)**

14 GOOGLE, INC., a Delaware  
15 corporation, TELETECH SERVICES  
16 CORPORATION, a Colorado  
17 corporation, and DOES 2 through 10,  
18 inclusive,

Jury Trial Demanded

Defendants.

**TO THE CLERK OF THE ABOVE-ENTITLED COURT:**

20 1. On February 17, 2012, an action was commenced in the Superior  
21 Court of California in Santa Clara County, entitled *Calkins v. Google, Inc.*, as case  
22 number 1-12-CV-218874. A copy of the complaint is attached hereto as Exhibit A.  
23 On October 12, 2012, plaintiff in that action filed a first amended complaint, a  
24 copy of which is attached hereto as Exhibit B. Plaintiff alleges that defendants  
25 recorded phone calls in violation of California Penal Code section 632.

26 2. This action is a civil action of which this Court has original  
27 jurisdiction under 28 U.S.C. section 1332, and is one which may be removed to  
28 this Court by defendant TeleTech Services Corporation ("TeleTech") pursuant to

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1 the provisions of 28 U.S.C. section 1332(d) in that it is a putative class action  
2 alleged to involve more than 100 class members, the amount in controversy  
3 exceeds \$5,000,000, and minimal diversity exists as between plaintiff and  
4 defendants.

5 3. Minimal diversity of citizenship exists in that plaintiff is a California  
6 citizen, while TeleTech is a Colorado corporation with a principal place of  
7 business in Colorado.

8 4. When this action was originally filed, the complaint did not allege an  
9 amount in controversy in excess of \$5,000,000. Neither does the operative first  
10 amended complaint allege an amount in controversy in excess of \$5,000,000. At  
11 no point in the proceedings to date has plaintiff filed or served any other paper  
12 alleging an amount in controversy in excess of \$5,000,000.

13 5. However, TeleTech has learned that there will, in fact, be greater than  
14 1,000 phone calls in dispute.

15 6. Plaintiff alleges that each class member is entitled to \$5,000 in  
16 statutory damages for each separate alleged violation of California Penal Code  
17 section 632. Given that the number of disputed calls will exceed 1,000, it is now  
18 clear that the amount in controversy exceeds \$5,000,000.

19 7. The remaining exhibits attached hereto constitute additional  
20 documents filed and served in this action.

21 Dated: February 20, 2013

GORDON & REES, L.L.P.

22  
23 By: Justin D. Lewis  
24 Miles D. Scully  
25 Allison F. Borts  
26 Justin D. Lewis  
27 Attorneys for defendant  
28 TELETECH SERVICES  
CORPORATION

DEMAND FOR JURY TRIAL

Defendant TeleTech Services Corporation hereby demands trial by jury.

Dated: February 20, 2013

GORDON & REES, L.L.P.

By: Justin D. Lewis

Miles D. Scully  
Allison F. Borts  
Justin D. Lewis  
Attorneys for defendant  
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CORPORATION

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