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Facsimile: (650) 938-5200

7 Attorneys for Defendant
8 TWITTER, INC.

9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO

13 ANTHONY LA RUSSA,
14
15 Plaintiff,

16 v.

17 TWITTER, INC., a Delaware corporation,
and DOES 1-25, inclusive,
18 Defendant.

Case No.

NOTICE OF REMOVAL OF CIVIL ACTION

Removed from the Superior Court of the State of California for the County of San Francisco, Case No. CGC-09-488101

19
20
21
22 **NOTICE OF REMOVAL**

23 **TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE**
24 **NORTHERN DISTRICT OF CALIFORNIA:**

25 PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1331 and 1441, Defendant
26 Twitter, Inc. hereby removes the above-entitled action from the Superior Court of the State of
27 California, County of San Francisco, to the United States District Court for the Northern District
28 of California, San Francisco or Oakland Division, and states as follows:

FENWICK & WEST LLP
ATTORNEYS AT LAW
MOUNTAIN VIEW

1 1. On May 6, 2009, plaintiff Anthony La Russa filed an action entitled *La Russa v.*
2 *Twitter, Inc. and Does 1-25*, Case No. CGC-09-488101, in the Superior Court of California,
3 County of San Francisco.

4 2. Twitter first received a copy of Plaintiff's complaint on May 6, 2009, when it was
5 served with a copy of the complaint along with a Summons, Civil Case Cover Sheet, and Notice
6 to Plaintiff. Complete copies of the complaint and associated papers are attached as **Exhibit A**.
7 Pursuant to 28 U.S.C. §1446(b), this Notice of Removal is timely filed within thirty days of
8 receipt by Twitter, through service or otherwise, of a copy of the initial pleading setting forth the
9 claim for relief upon which the action is based.

10 3. **JURISDICTION:** Pursuant to Civil Local Rule 3-5(a), this Court has jurisdiction
11 over this action for the following reasons:

12 a. the First Cause of Action entitled "Trademark Infringement" is a cause of
13 action arising under Section 32 of the federal Lanham Act, 15 U.S.C. § 1114 (*see* Complaint ¶ 9);

14 b. the Second Cause of Action entitled "False Designation of Origin" is a
15 cause of action arising under Section 43(a) of the federal Lanham Act, 15 U.S.C. § 1125 (*see*
16 Complaint ¶ 12);

17 c. the Third Cause of Action entitled "Trademark Dilution" is a cause of
18 action arising under Section 43(c) of the federal Lanham Act, 15 U.S.C. § 1125 (*see* Complaint at
19 ¶ 16); and

20 d. the Fourth Cause of Action entitled "Cybersquatting" is a cause of action
21 arising under the federal Anticybersquatting Consumer Protection Act, 15 U.S.C. § 1125(d) (*see*
22 Complaint ¶ 20).

23 This action is therefore a civil action over which this Court has original jurisdiction under
24 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a), and is one which may be removed to this Court by
25 Defendant pursuant to the provisions of 28 U.S.C. §§ 1441(a),(b). The Court has jurisdiction
26 over the remaining claims alleged by Plaintiff pursuant to 28 U.S.C. §§ 1367(a), 1441(c).

27 4. **INTRADISTRICT ASSIGNMENT:** Pursuant to Civil Local Rule 3-5(b),
28 assignment of this action to the San Francisco or Oakland Division of this Court is proper

1 because, under Civil Local Rules 3-2(c) and (d), this action arises in the county of San Francisco:
2 (a) Plaintiff originally filed this action in San Francisco County Superior Court; (b) Twitter's
3 corporate headquarters and principal place of business is located in the city of San Francisco,
4 California, in San Francisco County; and (c) a substantial part of the events or omissions which
5 give rise to the claim occurred in San Francisco County.

6 5. At present, Twitter is the only defendant named and served with summons and
7 complaint in this action; none of the alleged "Doe" defendants have been named or served.

8 6. Twitter has complied with all conditions precedent to removal.

9 7. Promptly upon filing this Notice of Removal with this Court, Twitter shall provide
10 written notice to plaintiff (through his counsel) and to the San Francisco County Superior Court,
11 as required under 28 U.S.C. § 1446(d). A copy of said notice is attached as **Exhibit B**.

12 WHEREFORE, this action is properly removed to this Court pursuant to 28 U.S.C. §§
13 1331, 1338 and 1441.

14 Dated: June 5, 2009

FENWICK & WEST LLP

15
16 By: Rodger R. Cole
17 Rodger R. Cole
18 Attorneys for Defendant
19 TWITTER, INC.
20

21 25980/00401/LIT/1301182.1
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FENWICK & WEST LLP
ATTORNEYS AT LAW
MOUNTAIN VIEW

EXHIBIT A

ENDORSED
FILED
Superior Court of California
County of San Francisco

MAY 6 - 2009

GORDON PARK-LL, Clerk
BY: CRISTINA BAUTISTA
Deputy Clerk

1 GREGORY L. MCCOY, CSB #063399
2 GAGEN, McCOY, McMAHON, KOSS,
3 MARKOWITZ & RAINES
4 279 Front Street
5 P.O. Box 218
6 Danville, CA 94526
7 Telephone: (925) 837-0585
8 Facsimile: (925) 838-5985

CASE MANAGEMENT CONFERENCE SET

OCT 9 - 2009 - 9⁰⁰AM

9 Attorneys for Plaintiff
10 ANTHONY LA RUSSA

DEPARTMENT 212

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 FOR THE CITY AND COUNTY OF SAN FRANCISCO

13 ANTHONY LA RUSSA,

NO. CGC-09-488101

14 Plaintiff,

COMPLAINT FOR TRADEMARK
INFRINGEMENT, FALSE
DESIGNATION OF ORIGIN,
TRADEMARK DILUTION,
CYBERSQUATTING,
MISAPPROPRIATION OF NAME,
AND MISAPPROPRIATION OF
LIKENESS

15 vs.

16 TWITTER, INC., a Delaware corporation, and
17 DOES 1-25, inclusive,

18 Defendants.

19 Plaintiff alleges:

20 FIRST CAUSE OF ACTION

21 (Trademark Infringement)

22 1. Defendant TWITTER, INC. ("TWITTER") is a Delaware corporation with
23 its principal place of business in San Francisco, California.

24 2. Plaintiff ANTHONY LA RUSSA ("LA RUSSA") is an individual residing
25 in Alamo, California.

26 3. The true names and capacities, whether individual, corporate, associate, or
27 otherwise of Defendants DOES 1-25, inclusive, are unknown to Plaintiff at this time, and
28 Plaintiff therefore sues these Defendants under such fictitious names. When the true

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1 names, capacities, and activities of these Defendants are ascertained, Plaintiff will amend
2 this Complaint accordingly. Plaintiff is informed and believes and thereon alleges that
3 each of the Defendants designated herein as a DOE is responsible in some manner for the
4 events and happenings referred to herein, and that Plaintiff's damages as alleged herein
5 were proximately caused by such Defendants.

6 4. Plaintiff is informed and believes and thereon alleges that at all times herein
7 mentioned, each of the Defendants, including the DOE Defendants, were acting as
8 agents, servants, and/or employees of each of the remaining Defendants, and in doing the
9 things hereinafter alleged were acting within the course and scope of such agency and/or
10 employment and with the permission and consent of the other Defendants. Plaintiff is
11 further informed and believes and thereon alleges that each of the Defendants acted with
12 full knowledge and advice of the other Defendants, and expressly and impliedly ratified
13 the acts of each of the other Defendants in all respects and adopted as his/her/its acts the
14 acts of such Defendants, and each of them.

15 5. Plaintiff LA RUSSA is a well-known manager for Major League Baseball
16 ("MLB"). He has managed teams in the MLB for 30 years, and currently manages the St.
17 Louis Cardinals. He ranks third all-time among MLB managers for both games managed
18 and games won. He has been the subject of several books and has lent his name to a
19 series of successful computer and video games entitled "Tony La Russa Baseball". In
20 addition to his athletic achievements, Plaintiff founded Tony La Russa's Animal Rescue
21 Foundation ("ARF"), headquartered in Walnut Creek, California, which saves abandoned
22 and injured animals and arranges for them to be adopted and to visit hospital patients,
23 elders, and abused children.

24 6. Plaintiff LA RUSSA'S name and image have garnered fame, significance
25 and distinction worldwide for both his athletic and philanthropic achievements. He
26 maintains the domain names tonylarussa.com, tonylarussa.org, and tonylarussa.net. Each
27 domain directs you to the website for ARF (www.arf.net).

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1 7. Defendant owns the registered domain name twitter.com, and pursuant
2 thereto, twitter.com/TonyLaRussa ("the Site"). The Site contains an unauthorized
3 photograph of Plaintiff and written statements impliedly written by Plaintiff himself,
4 when in fact they are not. (See Exhibit A). The domain name of this Site, and Plaintiff's
5 name used on the Site itself, are unauthorized uses of Plaintiff's trademark, his name.

6 8. Defendant's use of Plaintiff's mark both in the Site's domain name and on
7 the Site itself is misleading and likely to confuse users by leading them to believe that
8 this Site is endorsed and authored by Plaintiff LA RUSSA. The Site states in large
9 lettering, "Tony LaRussa is using Twitter", and encourages users to "Join today to start
10 receiving Tony LaRussa's updates." It also contains a picture of Plaintiff with his name
11 printed next to it. Beneath the picture, the Site contains written entries that are impliedly
12 written by Plaintiff himself, when in fact they are not. The entries are derogatory and
13 demeaning and are damaging to Plaintiff's trademark rights.

14 9. Defendant's actions as described herein are in direct violation of both
15 common law and Section 32 of the Lanham Act (15 U.S.C. § 1114).

16 10. As a direct and proximate result of Defendant's actions as stated herein,
17 Plaintiff has suffered significant emotional distress, damage to his reputation, and
18 damage to the goodwill of his mark. Further, Plaintiff is entitled to exemplary damages
19 as a result of Defendant's malicious actions as described above.

20 IN WITNESS WHEREOF, Plaintiff prays judgment as hereinafter set forth.

21 SECOND CAUSE OF ACTION

22 (False Designation of Origin)

23 11. Plaintiff incorporates and realleges at this point as though set forth in full
24 each and every allegation contained in paragraphs 1-8.

25 12. Defendant's actions as described herein are in direct violation of Section
26 43(a) of the Lanham Act (15 U.S.C. § 1125).

27 13. As a direct and proximate result of Defendant's actions as stated herein,
28 Plaintiff has suffered significant emotional distress, damage to his reputation, and

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1 damage to the goodwill of his mark. Further, Plaintiff is entitled to exemplary damages
2 as a result of Defendant's malicious actions as described above.

3 THIRD CAUSE OF ACTION

4 (Trademark Dilution)

5 14. Plaintiff incorporates and realleges at this point as though set forth in full
6 each and every allegation contained in paragraphs 1-8.

7 15. Defendant's use of Plaintiff's famous mark in commerce, which began after
8 Plaintiff's mark was already famous, creates a likelihood of dilution of the mark's
9 distinctive value by diminishing the capacity of the mark to identify and distinguish
10 Plaintiff's goods and services.

11 16. Defendant's actions as described herein are in direct violation of Section
12 43(c) of the Lanham Act (15 U.S.C. 1125).

13 17. As a direct and proximate result of Defendant's actions as stated herein,
14 Plaintiff has suffered significant emotional distress, damage to his reputation, and
15 damage to the goodwill of his mark. Further, Plaintiff is entitled to exemplary damages
16 as a result of Defendant's malicious actions as described above.

17 IN WITNESS WHEREOF, Plaintiff prays judgment as hereinafter set forth.

18 FOURTH CAUSE OF ACTION

19 (Cybersquatting)

20 18. Plaintiff incorporates and realleges at this point as though set forth in full
21 each and every allegation contained in paragraphs 1-8.

22 19. Defendant's actions as stated herein, including its registration and use of
23 the domain name twitter.com/TonyLaRussa in an intentional attempt to divert the public
24 away from Plaintiff's authorized websites to Defendant's website, constitute a bad faith
25 intent to profit from and injure Plaintiff's mark, is intended to increase traffic to
26 Defendant's site, or were done with knowledge that injury to Plaintiff's mark was
27 substantially certain to occur.

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1 20. Defendant's actions as stated herein are in direct violation of the
2 Anticybersquatting Consumer Protection Act (15 U.S.C.A. 1125(d)).

3 21. As a direct and proximate result of Defendant's actions as stated herein,
4 Plaintiff has suffered significant emotional distress, damage to his reputation, and
5 damage to the goodwill of his mark. Further, Plaintiff is entitled to exemplary damages
6 as a result of Defendant's malicious actions as described above.

7 IN WITNESS WHEREOF, Plaintiff prays judgment as hereinafter set forth.

8 FIFTH CAUSE OF ACTION

9 (Misappropriation of Name)

10 22. Plaintiff incorporates and realleges at this point as though set forth in full
11 each and every allegation contained in paragraphs 1-8.

12 23. Defendant's unauthorized use of Plaintiff's name in connection with the
13 domain name, twitter.com/TonyLaRussa, resulted in a benefit to Defendant by attracting
14 the consuming public to Defendant's site and by leading them to believe that Plaintiff
15 was connected to, authored, and/or endorsed the Site.

16 24. Plaintiff's privacy interests outweigh any potentially alleged public interest
17 served by Defendant's unauthorized use of Plaintiff's name.

18 25. As a direct and proximate result of Defendant's actions as stated herein,
19 Plaintiff has suffered significant emotional distress, damage to his reputation, and
20 damage to the goodwill of his mark. Further, Plaintiff is entitled to injunctive relief and
21 exemplary damages as a result of Defendant's malicious actions as described above.

22 IN WITNESS WHEREOF, Plaintiff prays judgment as hereinafter set forth.

23 SIXTH CAUSE OF ACTION

24 (Misappropriation of Likeness)

25 26. Plaintiff incorporates and realleges at this point as though set forth in full
26 each and every allegation contained in paragraphs 1-8.

27 27. Defendant's unauthorized use of Plaintiff's likeness in connection with the
28 domain name, twitter.com/TonyLaRussa, resulted in a benefit to Defendant by leading

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1 the consuming public to believe that Plaintiff was connected to, authored, and/or
2 endorsed the Site.

3 28. Plaintiff's privacy interests outweigh any potentially alleged public interest
4 served by Defendant's unauthorized use of Plaintiff's likeness.

5 29. As a direct and proximate result of Defendant's actions as stated herein,
6 Plaintiff has suffered significant emotional distress, damage to his reputation, and
7 damage to the goodwill of his mark. Further, Plaintiff is entitled to exemplary damages
8 as a result of Defendant's malicious actions as described above.

9 IN WITNESS WHEREOF, Plaintiff prays judgment as hereinafter set forth.

10 SEVENTH CAUSE OF ACTION

11 (Invasion of Privacy)

12 30. Plaintiff incorporates and realleges at this point as though set forth in full
13 each and every allegation contained in paragraphs 1-8.

14 31. California Civil Code §3344(a) provides that anyone who knowingly uses
15 another's name, signature, photograph or likeness, in any manner, for the purpose of
16 advertising or selling or soliciting without such person's prior consent shall be liable for
17 any damages sustained.

18 32. Defendant has made an unauthorized use of Plaintiff's name, signature,
19 photograph and likeness, in a manner to which he has not consented.

20 33. As a direct and proximate result thereof, Plaintiff has suffered emotional
21 distress, damage to his reputation and general damages in the sum to be shown according
22 to proof.

23 34. Pursuant to the provisions of California Civil Code §3344, Plaintiff is
24 entitled to an award of reasonable attorney's fees in connection with this action.

25 35. Further pursuant to Civil Code §3344, Plaintiff is entitled to a recovery of
26 punitive damages.

27 IN WITNESS WHEREOF, Plaintiff prays judgment as hereinafter set forth.

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EIGHTH CAUSE OF ACTION

(Intentional Misrepresentation)

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36. Plaintiff incorporates and realleges at this point as though set forth in full each and every allegation contained in paragraphs 1-8.

37. Defendant on its website from and after April 19, 2009, and continuing until the present, has published the false and fraudulent representation that "Tony LaRussa is using Twitter."

38. The representing contained on Defendant's website is made to all members of the public over the internet.

39. The foregoing representation is false and fraudulent in that Plaintiff does not have a webpage on Twitter, nor does Plaintiff use Twitter.

40. As a direct and proximate result of Defendant's actions as stated herein, Plaintiff has suffered significant emotional distress and damage to his reputation, all to his general damage in a sum to be shown according to proof.

41. Plaintiff is further entitled to an award of punitive and exemplary damages.

IN WITNESS WHEREOF, Plaintiff prays judgment as follows:

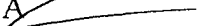
- 1. For general damages for injury to Plaintiff's mark and resulting profit to Defendant, in a sum to be shown according to proof.
- 2. For general damages for mental anguish and emotional distress.
- 3. For an order enjoining Defendant from further use of Plaintiff's mark and assignment of the Site to Plaintiff.
- 4. For an award of attorney's fees and costs.
- 5. For exemplary damages.
- 6. For all costs of suit incurred herein; and
- 7. For such other and further relief as the Court deems just and proper.

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1 Dated: May 6, 2009

GAGEN, McCOY, McMAHON, KOSS,
MARKOWITZ & RAINES
A Professional Corporation

2
3
4 By: 

GREGORY L. MCCOY
Attorneys for Plaintiff, ANTHONY LA
RUSSA 

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- [Login](#)
- [Join Twitter!](#)



Hey there! TonyLaRussa is using Twitter.

Twitter is a free service that lets you keep in touch with people through the exchange of quick, frequent answers to one simple question: What are you doing? Join today to start receiving TonyLaRussa's updates.

Join today!

Already using Twitter from your phone? [Click here.](#)



TonyLaRussa

- Name *Tony La Russa*
- Location *Tossing Pujols' salad*
- Web <http://madd.org>
- Bio *Parodies are fun for everyone.*

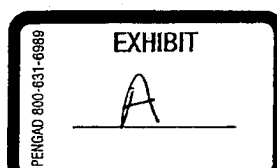
0 Following 4 Followers

1. Lost 2 out of 3, but we made it out of Chicago without one drunk driving incident or dead pitcher... I'd call that an I-55 series. 8:01 PM Apr 19th from web
2. Fortunately, Ian Snell sucks now... when Molina and Duncan Jr. go deep off of you it's time to look yourself in the mirror, have an ice-... 3:33 PM Apr 8th from web
3. drinking a cold Zima and wishing fucking Hancock was alive, I bet he could've gotten Jack Wilson out. 4:13 PM Apr 7th from web

- [3Updates](#)
- [Favorites](#)

Following

[RSS feed of TonyLaRussa's updates](#)



Footer

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SUMMONS
(CITACION JUDICIAL)

SUM-100

NOTICE TO DEFENDANT:

(AVISO AL DEMANDADO):

TWITTER, INC., a Delaware corporation, and DOES 1-25, inclusive

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

ANTHONY LA RUSSA

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.

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.courtinfo.ca.gov/selfhelp/espanol), 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.courtinfo.ca.gov/selfhelp/espanol) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:
(El nombre y dirección de la corte es):
SAN FRANCISCO COUNTY SUPERIOR COURT
400 McAllister Street

CASE NUMBER:
(Número del Caso) **09-488101**

San Francisco, CA 94102

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Gregory L. McCoy, CSB #063399 925-837-0585 925-838-5985
Gagen, McCoy, McMahon, Koss, Markowitz & Raines
279 Front Street
Danville, CA 94526

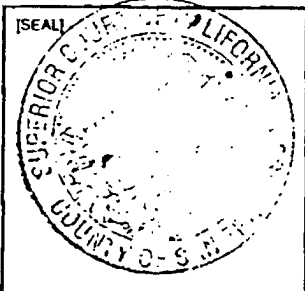
GORDON *Patricia E. Baudela*
Clerk, by *Patricia E. Baudela* Deputy
(Secretario) (Adjunto)

DATE: **MAY 6 - 2009**
(Fecha)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. as an individual defendant.
2. as the person sued under the fictitious name of (specify):
3. 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) CCP 416.90 (authorized person)
 other (specify):
4. by personal delivery on (date):



| | | |
|--|--|---|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Gregory L. McCoy, CSB #063399 Gagen, McCoy, McMahon, Koss, Markowitz & Raines 279 Front Street Danville, CA 94526 TELEPHONE NO.: 925-837-0585 FAX NO.: 925-838-5985 ATTORNEY FOR (Name): <u>Anthony La Russa</u> | | FOR COURT USE ONLY <div style="text-align: center;"> ENDORSED FILED Superior Court of California County of San Francisco </div> <div style="text-align: center; font-size: 1.2em;"> MAY 6 2009 </div> BY <u>GORDON PARK-JI, Clerk</u> <u>CRISTINA BAUTISTA</u> Deputy Clerk |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME: | | CASE NUMBER: 09-488101 JUDGE: DEPT: |
| CASE NAME: | | |
| CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less) | Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402) | |


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/WD (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/WD (23) Non-PI/PD/WD (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 (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <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):
 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 6, 2009
 Gregory L. McCoy, CSB #063399
(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 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.

CASE NUMBER: CGC-09-488101 ANTHONY LA RUSSA VS. TWITTER, INC A DELAWARE CO

NOTICE TO PLAINTIFF

A Case Management Conference is set for

DATE: OCT-09-2009

TIME: 9:00AM

**PLACE: Department 212
400 McAllister Street
San Francisco, CA 94102-3680**

All parties must appear and comply with Local Rule 3.

CRC 3.725 requires the filing and service of a case management statement form CM-110 no later than 15 days before the case management conference.

However, it would facilitate the issuance of a case management order **without an appearance** at the case management conference if the case management statement is filed, served and lodged in Department 212 twenty-five (25) days before the case management

Plaintiff must serve a copy of this notice upon each party to this action with the summons and complaint. Proof of service subsequently filed with this court shall so state.

ALTERNATIVE DISPUTE RESOLUTION POLICY REQUIREMENTS

IT IS THE POLICY OF THE SUPERIOR COURT THAT EVERY CIVIL CASE PARTICIPATE IN EITHER MEDIATION, JUDICIAL OR NON-JUDICIAL ARBITRATION, THE EARLY SETTLEMENT PROGRAM OR SOME SUITABLE FORM OF ALTERNATIVE DISPUTE RESOLUTION PRIOR TO A MANDATORY SETTLEMENT CONFERENCE OR TRIAL. (SEE LOCAL RULE 4)

Plaintiff must serve a copy of the Alternative Dispute Resolution Information Package on each defendant along with the complaint. All counsel must discuss ADR with clients and opposing counsel and provide clients with a copy of the Alternative Dispute Resolution Information Package prior to filing the Case Management Statement.

[DEFENDANTS: Attending the Case Management Conference does not take the place of filing a written response to the complaint. You must file a written response with the court within the time limit required by law. See Summons.]

Superior Court Alternative Dispute Resolution Coordinator
400 McAllister Street, Room 103
San Francisco, CA 94102
(415) 551-3876

See Local Rules 3.6, 6.0 C and 10 D re stipulation to commissioners acting as temporary judges

EXHIBIT B

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3 LESLIE KRAMER (CSB NO. 253313)
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6 Telephone: (650) 988-8500
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7

8 Attorneys for Defendant
TWITTER, INC.
9

10 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 IN AND FOR THE COUNTY OF SAN FRANCISCO
12

13 ANTHONY LA RUSSA,
14 Plaintiff,
15 v.
16 TWITTER, INC., a Delaware corporation,
and DOES 1-25, inclusive,
17 Defendant.
18

Case No. CGC-09-488101

**NOTICE OF REMOVAL TO FEDERAL
COURT BY DEFENDANT TWITTER, INC.**

19
20 **TO THE CLERK OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA,**
21 **COUNTY OF SAN FRANCISCO, PLAINTIFF ANTHONY LA RUSSA AND HIS**
22 **ATTORNEYS OF RECORD:**

23 PLEASE TAKE NOTICE that on June 5, 2009, Defendant Twitter, Inc. filed a Notice of
24 Removal of this action in the United States District Court for the Northern District of California.
25 A complete copy of the Notice of Removal is attached to this Notice, and is served and filed
26 herewith.

27 ///

28 ///

1 Dated: June 5, 2009

FENWICK & WEST LLP

2
3 By: Rodger R. Cole
4

5 Attorneys for Defendant
6 TWITTER, INC.

7
8 25980/00401/LIT/1301189.1
9

FENWICK & WEST LLP
ATTORNEYS AT LAW
MOUNTAIN VIEW

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