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7 *Google Inc.*

8  
9 **UNITED STATES DISTRICT COURT**  
10 **NORTHERN DISTRICT OF CALIFORNIA**  
11 **SAN JOSE DIVISION**

12 BRAD GREENSPAN,

13 Plaintiff

14 v.

15 IAC/INTERACTIVE CORP., a Delaware  
corporation;

16 GOOGLE, INC., a Delaware corporation;

17 NEWS CORP., a Delaware corporation;

18 Defendants.  
19  
20  
21

Case No. 5:14-cv-04187-RMW

**DEFENDANT GOOGLE INC.'S  
NOTICE OF MOTION AND MOTION  
FOR AN ORDER DECLARING  
PLAINTIFF A VEXATIOUS LITIGANT  
AND FOR ATTORNEYS' FEES  
PURSUANT TO 28 U.S.C. § 1927**

Date: September 23, 2016

Time: 9:00 a.m.

Dept: Courtroom 6

The Honorable Ronald M. Whyte

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**NOTICE OF MOTION**

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on September 23, 2016 at 9:00 a.m., or as soon thereafter as the matter may be heard in the United States District Court for the Northern District of California, Courtroom 6, 4th Floor, located at 280 South 1st Street, San Jose, California, the Honorable Ronald M. Whyte presiding, Defendant Google Inc. (“Google”), will, and hereby does, move this Court for an order:

- (1) Declaring Plaintiff Brad Greenspan (“Greenspan”) to be a vexatious litigant and requiring Greenspan to obtain leave of court before filing any further motions in this proceeding; and
- (2) Requiring Greenspan to reimburse Google for its attorneys’ fees incurred in bringing this motion, in the amount of \$21,793.50.

This Motion is based upon this Notice of Motion, the accompanying Memorandum of Points and Authorities, the Declaration of Lee H. Rubin and accompanying exhibits, the complete files in this action, any oral argument, any matters that the Court may take judicial notice of, and such other further matters this Court may consider.

Dated: August 18, 2016                      MAYER BROWN LLP  
LEE H. RUBIN  
DONALD M. FALK

By:  /s/ Lee H. Rubin  
Lee H. Rubin

*Attorneys for Defendant GOOGLE INC.*

**MEMORANDUM OF POINTS AND AUTHORITIES**

1  
2 It has been over a year since the Court dismissed this case on May 15, 2015. In that time,  
3 Greenspan has continued to file motion after motion—sixteen in total (seven of which were filed  
4 after May 5, 2016, when the Court denied Greenspan’s motion to set aside the Court’s judgment  
5 to dismiss the case, effectively ending this litigation). None of these post-judgment filings do  
6 anything but try to advance his dismissed claims. Indeed, Greenspan is simply (and blatantly)  
7 ignoring the Court’s orders and needlessly burdening the Court and the parties with wholly  
8 unnecessary and unwarranted motion practice. Google does not file this motion lightly, but  
9 enough is enough. The time has come for the Court to deem Greenspan a vexatious litigant and  
10 constrain his ability to file any further pleadings in this closed case.

11 Notably, Greenspan’s troublesome behavior is not unique to this case. Greenspan has a  
12 long history of presenting filings in related matters after the cases had clearly ended. Without  
13 judicial intervention, Greenspan will continue to improperly burden the parties and the Court and  
14 will “preempt the use of judicial time that properly could be used to consider the meritorious  
15 claims of other litigants.” *De Long v. Hennessey*, 912 F.2d 1144, 1148 (9th Cir. 1990).  
16 Accordingly, Google respectfully requests this Court to issue an order: (1) declaring Greenspan a  
17 vexatious litigant and requiring him to obtain leave of court before making further filings in this  
18 case, and (2) requiring him to reimburse Google for the attorneys’ fees it incurred in bringing  
19 this motion.

**BACKGROUND**

21 **I. GREENSPAN’S PRIOR LITIGATION CONDUCT RELATED TO 2005**  
22 **MYSPACE ACQUISITION**

23 This is the *fifth* time Greenspan has either brought or joined a lawsuit to challenge the  
24 July 2005 sale of MySpace, Intermix’s subsidiary, to News Corp. at the price of \$580 million.  
25 Greenspan, as a 10% owner of MySpace, received \$58 million in that deal, but believes he  
26 should have received more. Greenspan first sued many of Intermix’s officers and directors for  
27 violating their fiduciary duty in selling MySpace too cheaply; that case was dismissed without

1 leave to amend. *In re Intermix Media, Inc. Shareholder Litigation*, Nos. BC338945, BC338786,  
2 2006 WL 5535275 (Los Angeles Super. Ct. Oct. 6, 2006), *aff'd by Greenspan v. Intermix Media,*  
3 *Inc.*, No. B196434, 2008 WL 4837565 at \*25 (Cal. Ct. App. 2008) (unpublished) (affirming  
4 dismissal without leave to amend because the shareholders ratified the transaction).<sup>1</sup>

5 Greenspan later tried to join a federal court class action challenging News Corp.'s  
6 acquisition of Intermix, but he was dismissed from that action and was subsequently  
7 unsuccessful in his attempt to intervene in it. *See Minute Order Dismissing Greenspan from*  
8 *Action, Brown v. Brewer*, No. 2:06-cv-03731-GHK-SH (C.D. Cal. Oct. 19, 2010); *see also*  
9 *Minute Order Striking Motion to Intervene, Brown v. Brewer*, No. 2:06-cv-03731-GHK-SH  
10 (C.D. Cal. Nov. 29, 2011). The Ninth Circuit dismissed Greenspan's appeal of the resulting  
11 settlement as untimely. *See Order, Greenspan v. Brewer*, No. 12-55739 (9th Cir. May 9, 2012).

12 Greenspan also has a history of filing post-judgment motions in closed cases. For  
13 example, Greenspan filed a complaint in the Delaware Court of Chancery against News Corp.  
14 and others in yet another challenge to News Corp.'s acquisition of MySpace, but the court  
15 dismissed that case and denied Greenspan's motion for reargument. *Greenspan v. News Corp.*,  
16 No. 9567-VCG, 2016 WL 918166 at \*2 (Del. Ch. Jan. 22, 2016) (unpublished).

17 Notwithstanding the final judgment, Greenspan sent a Rule 59 Motion and a money order to  
18 cover the filing fee to that court, which "return[ed] the Motion and money order both," because  
19 the case was closed. *See Declaration of Lee H. Rubin In Support of Google's Motion for an*  
20 *Order Declaring Plaintiff a Vexatious Litigant ("Rubin Decl.") Ex. B (Letter to Greenspan from*  
21 *Court Refusing Motion, No. 9567-VCG (Del. Ch. Feb. 29, 2016)).*

22 Similarly, Greenspan also filed post-judgment motions in a Central District action against  
23 News Corp., in which he had intervened, but the court denied those Rule 60 motions because the  
24 case was closed and the motions were irrelevant to the court's decision to dismiss the action for  
25

26 <sup>1</sup> The California court of appeal's decision also indicates that Greenspan had filed a separate  
27 shareholder derivative action in February 2005, which he later dismissed. *See* 2008 WL  
4837565 at \*4.

1 forum non conveniens. *See* Rubin Decl. Ex. C (Minute Order Denying Intervenor’s Motion for  
2 Relief from Judgment and Denying Intervenor’s Motion for Sanctions, *Huthart v. News Corp.*,  
3 Case No. CV 13-04253-MFW (C.D. Cal. June 10, 2014)).

4 In another case in this District where Google was a defendant, Greenspan and two others  
5 filed a “motion to intervene” based on purported “new evidence,” which the court rejected as  
6 meritless and because the attorney who purportedly signed the motion informed the court she did  
7 not in fact e-file the motion. Rubin Decl. Ex. D (Order Denying Motion to Intervene, *In re High*  
8 *Tech. Emp. Antitrust Litig.*, No. 11-cv-02509-LHK (N.D. Cal. July 8, 2014)); Rubin Decl. Ex. E  
9 (Motion to Intervene, *In re High-Tech*, No. 11-cv-02509-LHK (July 7, 2014)).<sup>2</sup> (The hijacking of  
10 the attorney’s e-filing account was subsequently reported to the State Bar.)

## 11 **II. GREENSPAN’S CONDUCT IN THIS LITIGATION**

12 In this action, Greenspan made the implausible claim that Google delayed bidding for the  
13 right to provide the search engine for the MySpace site, and thus depressed the price that News  
14 Corp. paid to acquire MySpace. Dkt. No. 1; *see* Dkt Nos. 18, 19, 20 (Defendants’ Motions to  
15 Dismiss First Amended Complaint and Google’s Request for Judicial Notice). Before the  
16 motions to dismiss were decided, Greenspan filed a second amended complaint, but failed to  
17 request leave to do so. Dkt. No. 21. He did not otherwise respond to the motions to dismiss.

18 Greenspan then failed to appear at a hearing and to respond to an order to show cause as  
19 to why his case should not be dismissed for failure to prosecute. Dkt. Nos. 26-28. Accordingly,  
20 on May 15, 2015, this Court dismissed Greenspan’s case with prejudice and entered judgment in  
21 favor of Defendants. Dkt. Nos. 29 & 30.

22 Over the next several weeks, Greenspan filed several motions, including one asking to be  
23 relieved from the judgment. Dkt. No. 39. On September 18, 2015, Court stated that it would  
24 grant Greenspan relief from the previous judgment on two conditions: (1) Greenspan had to  
25 obtain new class counsel (his former counsel having withdrawn due in part to a break-down in

26 \_\_\_\_\_  
27 <sup>2</sup> In terms of formatting and language style, the “Motion to Intervene” bears striking similarities  
with Greenspan’s *pro se* pleadings in this case. *Compare* Rubin Ex. D *with* Dkt Nos. 131 & 142.

1 the attorney-client relationship); and (2) he had to reimburse Defendants' costs and expenses  
2 incurred as a result of Greenspan's post-judgment "motions." Dkt. No. 66; Dkt. No. 96.

3 It is undisputed that Greenspan did not comply with this payment condition. This Court  
4 set a deadline, which it extended at Greenspan's request, but Greenspan still did not pay. On  
5 May 5, 2016, this Court denied Greenspan's motion to set aside the judgment, denied his request  
6 for (another) extension, and granted his then-current counsel's motion to withdraw. Dkt. No. 99.

7 Greenspan soon filed a 60(b)(2) motion claiming that new evidence warranted setting  
8 aside the judgment entered on May 5, 2015. The Court denied that motion because Greenspan  
9 failed to cite any new evidence and had not reimbursed Defendants, which was a necessary  
10 condition for the Court to grant Greenspan relief from the judgment. Dkt. No. 114.

11 In summary, Greenspan has filed sixteen substantive motions since this Court dismissed  
12 the case in May 2015. Dkt. Nos. 31-32, 39, 46, 47, 57, 58-59, 60, 113, 116, 121, 124, 127, 131-  
13 132, 145. Seven of those motions were filed after the Court's May 5, 2016 and June 9, 2016  
14 Orders that effectively closed this case. None of the motions argues that Greenspan complied  
15 with the Court's prior orders. Indeed, he is simply ignoring them as if they do not exist or do not  
16 apply to him. And the most he claims to have paid Google is \$7.77 of the \$20,000 he was  
17 ordered to pay.

18 Moreover, the post-dismissal motions merely repackage his previously rejected  
19 arguments. For example, although this Court already rejected Greenspan's Rule 60(b)(2) motion  
20 based on "new evidence," he recently filed another motion that essentially requested relief based  
21 on new evidence. *See* Dkt. No. 127 ("FRCP 60(b)(1) Motion"). Similarly, Greenspan has filed  
22 several motions claiming Google's Certificate of Interested Parties was inaccurate because it  
23 identified Alphabet Inc. as a "holding company" rather than a "parent" company or "parent  
24 holding company" for Google (even though the Certificate simply—and correctly—stated that  
25 Google is a wholly owned subsidiary of Alphabet Inc.). *See* Dkt. Nos. 116, 120-22, 131  
26 (Greenspan's motions); Dkt No. 138 (Google's Opposition to Motion for Sanctions).

1 **III. GREENSPAN IS A VEXATIOUS LITIGANT WHO SHOULD BE REQUIRED TO**  
 2 **OBTAIN LEAVE OF COURT BEFORE MAKING FURTHER FILINGS.**

3 A court has the power under the All Writs Act to place restrictions on the filings and  
 4 claims made by vexatious litigants, including *pro se* litigants. *See De Long*, 912 F.2d at 1147  
 5 (“Under the power of 28 U.S.C. § 1651(a) . . . enjoining litigants with abusive and lengthy  
 6 histories is one such form of restriction that the district court may take”).

7 In order to do so, a district court must: (1) find the litigant was provided with both  
 8 adequate notice and an opportunity to be heard; (2) establish an adequate record for review; (3)  
 9 make substantive findings as to the frivolous or harassing nature of the plaintiff’s litigation; and  
 10 (4) limit the breadth of the order by narrowly tailoring it “to closely fit the specific vice  
 11 encountered.” *Id.* at 1147-48. To address the last two factors, courts have applied the five-factor  
 12 analysis in *Safir v. United States Lines, Inc.*, 792 F.2d 19, 24 (2d Cir. 1986), addressing

13 (1) the litigant’s history of litigation and in particular whether it entailed  
 14 vexatious, harassing or duplicative lawsuits; (2) the litigant’s motive in pursuing  
 15 the litigation, e.g., does the litigant have an objective good faith expectation of  
 16 prevailing?; (3) whether the litigant is represented by counsel; (4) whether the  
 17 litigant has caused needless expense to other parties or has posed an unnecessary  
 18 burden on the courts and their personnel; and (5) whether other sanctions would  
 19 be adequate to protect the courts and other parties.

20 *Molski v. Evergreen Dynasty Corp.*, 500 F.3d 1047, 1058 (9th Cir. 2007) (finding the five-factor  
 21 *Safir* standard “a helpful framework for applying the two substantive factors (factors three and  
 22 four) of our own four-factor standard”).

23 All of the *DeLong* factors indicate that Greenspan is a vexatious litigant. First, this  
 24 noticed motion provides Greenspan with notice and an adequate opportunity to be heard. *See*  
 25 *Loumena v. Kennedy*, No. 15-CV-00951 LHK, 2015 U.S. Dist. LEXIS 139369 (N.D. Cal. Oct.  
 26 13, 2015). Second, as detailed above, the Court can establish an adequate record for review.  
 27 The third and fourth *De Long* factors (i.e. the five *Safir* factors) are also satisfied.

28 **A. Greenspan has a history of filing vexatious, harassing, and duplicative suits  
 and motions.**

Greenspan has filed or joined at least five lawsuits related to the 2005 MySpace



1 acquisition and has filed frivolous post-judgment motions in other closed cases. *Supra* at pp. 2-  
2 4. Moreover, in this litigation, Greenspan has filed seven post-judgment motions after the case  
3 was closed for good. Some motions make the same type of Rule 60 “new evidence” argument  
4 that this Court has already rejected (Dkt. No. 114); others request relief from the judgment and  
5 orders of this Court without addressing his failure to comply with Court orders. Dkt. Nos. 113,  
6 114, 127. Similarly, Greenspan has argued in assorted motions (*e.g.*, his Motion for Sanctions  
7 and his Motion to Strike) that Google’s Certificate of Interested Parties is fraudulent or somehow  
8 inaccurate, an argument that is both patently false and meritless. Dkt. Nos. 116, 121, 129. And  
9 the bulk of his arguments are incoherent.

10 In a similar case, this Court found two defendants to be vexatious litigants after they had  
11 tried three times to remove the same case to federal court even though they were told there were  
12 no adequate grounds for removal. The filings were “sufficiently egregious because they arise in  
13 the same case, attempt to take the same improper action, and raise the same arguments that have  
14 already been rejected.” *Bank of N.Y. Mellon v. Brewer*, No. C-12-03179 RMW, 2012 U.S. Dist.  
15 LEXIS 128578 at \*12-13 (N.D. Cal Sep. 7, 2012; *see also Rivera v. Lingle*, No. 06-00406 ACK-  
16 LEK, 2006 U.S. Dist. LEXIS 59298, \*3 (D. Haw. Aug. 17, 2006) (entering a pre-filing order  
17 prohibiting litigant from making further post-judgment motions in that action, including motions  
18 to vacate or amend judgment). Greenspan’s conduct is equally improper.

19 **B. Greenspan’s litigation history suggests that his motive in pursuing this**  
20 **litigation is to harass Defendants.**

21 This Court has already recognized that Greenspan’s post-judgment “motions” are causing  
22 Defendants to incur needless costs and expenses. Dkt. Nos. 66, 83 (ordering Greenspan to pay  
23 Google and IAC for costs and expenses they incurred following entry of judgment as a condition  
24 of the Court granting Greenspan relief from the judgment). Despite that admonition, Greenspan  
25 continues to file meritless post-judgment motions that confirm that he has paid only \$7.77 of the  
26 \$20,000 he owes to Google. Although Greenspan’s motions are often difficult to decipher, none  
27 has merit. Their only purpose and effect is to harass Defendants and impose costs on them and



1 this Court. Further, the baseless and scandalous accusations in his papers (*e.g.*, alleging that  
2 Google and IAC’s attorneys engaged in fraudulent conduct) further indicate an intent to harass.  
3 *Gabor v. County of Santa Clara Bd. of Supervisors*, No. C-07-04266 RMW (HRL), 2008 U.S.  
4 Dist. LEXIS 32115 at \*21 (N.D. Cal. March 31, 2008), *aff’d*, 363 Fed.Appx. 456 (9th Cir. 2010)  
5 (noting that “based on the number of defendants and the vitriol expressed in the instant  
6 complaint, it would appear that there may be some intent to harass”). Nor could Greenspan  
7 reasonably “have an objective good faith expectation of prevailing” on his motions, *Safir*, 792  
8 F.2d at 24, given his history in this case and other closed matters.

9 **C. Greenspan is currently proceeding *pro se* because both of his former counsel**  
10 **withdrew with leave of this Court.**

11 Greenspan is not the typical *pro se* litigant. He was successively represented by two  
12 different counsel who withdrew, with leave of this Court. Dkt. Nos. 23, 24, 96, 99. One former  
13 counsel explained there was an irreparable breakdown in the attorney-client relationship for  
14 several reasons, including Greenspan’s refusal to follow his attorney’s advice on how to proceed  
15 in this litigation. Dkt. No. 96. Upon this Court’s order, Greenspan sought new counsel, but that  
16 counsel, too, later withdrew after Greenspan filed a “motion to intervene” on his own behalf  
17 without informing his attorney. Dkt. Nos. 91-94, 96, 99.

18 Even for *pro se* litigants, any “flagrant abuse of the judicial process cannot be tolerated.”  
19 *Gabor*, 2008 U.S. Dist. LEXIS 32115 at \*21. In *Gabor*, this Court found two litigants who  
20 brought all their actions in *propria persona* to be vexatious and entered a pre-filing order against  
21 them. *Id.* at 21-23. Here, Greenspan’s filings have been so numerous and abusive that this  
22 factor favors Defendants.

23 **D. Greenspan’s post-judgment motions have caused needless expense to Google**  
24 **and placed a needless burden on this Court.**

25 Although this case has been closed, Greenspan continues to make post-judgment  
26 “motions” in this case as if it were a live matter. *See* Dkt. Nos. 114, 116-134, 144. Since the  
27 Court’s June 9, 2016 order denying his first motion to vacate the May 5 order (that in turn finally

1 denied his order to vacate the May 2015 final judgment), Google has been forced to respond to  
 2 no less than seven “motions” made by Greenspan. More particularly, Google has incurred time  
 3 and expense by having to file: (i) an opposition to motion for sanctions, (ii) an opposition to  
 4 motion to strike, (iii) an opposition to motion to amend complaint, (iv) a consolidated opposition  
 5 to Greenspan’s Fed. R. Civ. Proc. 59, Fed. R. Civ. Proc. 60(b)(1), and Fed. R. Civ. 60(d)(3)  
 6 motions, and, most recently, (v) an opposition to Greenspan’s second motion to strike. Dkt. Nos.  
 7 138-141, 147. Greenspan’s continuing conduct has “forced not only the unnecessary expenditure  
 8 of time and money on the part of [Defendants] but also” has consumed “the court’s limited  
 9 resources that could be better used in processing legally supported claims.” *Brewer*, 2012 U.S.  
 10 Dist. LEXIS 128578 at \*14.

11 **E. The requested sanction is narrowly tailored because other sanctions alone**  
 12 **will not provide adequate protection to Defendants or the Court.**

13 Google’s request that the Court constrain Greenspan’s ability to make further filings in  
 14 this case is appropriate under the circumstances. As the record of this case makes clear,  
 15 monetary sanctions alone will not deter Greenspan from making further filings in this closed  
 16 case. He continues to file frivolous “motions” after failing to comply with the Court’s past  
 17 Orders to pay a combined amount of \$45,000 to Defendants Google and IAC . *See* Dkt. Nos.  
 18 116-134. Moreover, the requested sanction—declaring Greenspan a vexatious litigant and  
 19 requiring him to obtain leave of Court before making further filings in this case— is narrowly  
 20 tailored “to closely fit the specific vice encountered.” *De Long*, 912 F.2d at 1148; *Wood v. Santa*  
 21 *Barbara Chamber of Commerce, Inc.*, 705 F.2d 1515, 1523-26 (9th Cir. 1983). Such a pre-filing  
 22 order will communicate that a final judgment has been entered and cannot be set aside simply by  
 23 making more frivolous “motions.”

24 **IV. REQUEST FOR ATTORNEYS’ FEES PURSUANT TO 28 U.S.C. § 1927**

25 In addition, and pursuant to 28 U.S.C. § 1927, Google requests that the Court order  
 26 Greenspan to pay Google the attorneys’ fees it incurred to bring this motion to stop the vexatious  
 27 conduct outlined above.

1           The purpose of 28 U.S.C. § 1927 is to deter a party— (*see Wages v. I.R.S.*, 915 F.2d  
2   1230, 1235-36 (9th Cir. 1990))—from future litigation abuse. *See Haynes v. City & Cnty. of San*  
3   *Francisco*, 688 F.3d 984, 987-88 (9th Cir. 2012), *aff'g*, 474 Fed.Appx. 689 (9th Cir. 2012)  
4   (stating that the purpose of § 1927 sanctions is to both compensate the victims and deter plaintiff  
5   from future misconduct). An award under section 1927, requires a “finding of subjective bad  
6   faith,” which “is present when an attorney knowingly or recklessly raises a frivolous argument,  
7   or argues a meritorious claim for the purpose of harassing an opponent.” *Moore v. Keegan*  
8   *Mgmt. Co. (In re Keegan Mgmt. Co., Sec. Litig.)*, 78 F.3d 431, 436 (9th Cir. 1996) (*quoting*  
9   *Estate of Blas v. Winkler*, 792 F.2d 858, 860 (9th Cir. 1986)). Filing substantially duplicate  
10   claims can be evidence of bad faith. *See, e.g., Boress v. Reynolds*, No. C 03-2897 VRW, 2004  
11   U.S. Dist. LEXIS 15804, 9-10 (N.D. Cal. 2004) (applying sanctions after finding plaintiff in bad  
12   faith had multiplied proceedings unreasonably and vexatiously when, despite the court  
13   overruling his objections, he filed substantially similar claims in state court), *aff'd*, 126  
14   Fed.Appx. 412 (9th Cir. 2005).

15           Even though prior monetary sanctions alone have failed to deter Greenspan, his  
16   continued intransigence and bad faith conduct does not entitle him to a pass from being subject  
17   to additional monetary sanctions. Indeed, the opposite is true: his unabated vexatious conduct in  
18   the face of previous monetary sanctions warrants additional monetary sanctions, especially in  
19   light of the Court’s earlier order that made Greenspan acutely aware that his post-judgment  
20   filings were improperly increasing Defendants’ costs. By failing to comply with that order,  
21   Greenspan forfeited the ability to maintain this action. He should bear the attorneys’ fees of  
22   \$21,793.50, which Google incurred for bringing this motion. Rubin Decl. ¶¶ 2-8.

**CONCLUSION**

24           For all the reasons stated above, the Court should issue an order: (1) declaring Greenspan  
25   a vexatious litigant and requiring him to obtain leave of court before making further filings in  
26   this case; and (2) requiring Greenspan to pay Google’s attorneys’ fees for bringing this motion,  
27   which amount to \$21,793.50.

1 Dated: August 18, 2016

MAYER BROWN LLP

2 By: /s/ Lee H. Rubin  
3 Lee H. Rubin

4 *Attorneys for Defendant GOOGLE INC.*

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**Certificate of Service**

I hereby certify that the foregoing motion and accompanying declaration and proposed order were electronically filed with the Clerk of the Court for the United States District Court for the Northern District of California by using the ECF system on August 18, 2016. All participants in the case who are registered ECF users will be served by the ECF system.

In addition, a copy of this motion and accompanying declaration and proposed order were served, pursuant to Fed. R. Civ. P. 5(b)(2)(C), by U.S. Mail, postage prepaid, and addressed to:

Brad Greenspan  
2885 Sanford Avenue SW #33395  
Grandville, MI 49418

Dated: August 18, 2016

MAYER BROWN LLP

By: /s/ Lee H. Rubin  
Lee H. Rubin  
Attorneys for Defendant  
Google, Inc.