

FILED

JUN 23 2016

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

1 Brad Greenspan
2 2885 Sanford Ave SW #33395
3 Grandville, MI 49418
4 Pro Se Plaintiff

5 UNITED STATES DISTRICT COURT
6 NORTHERN DISTRICT OF CALIFORNIA

7 Brad Greenspan, on behalf of
8 himself and all others similarly
9 situated,

10 vs.

11 IAC/InterActiveCorp, a Delaware
12 corporation; Google, Inc., a Delaware
13 corporation; News Corp, a Delaware
14 corporation;
15 Defendants.

) CASE NO.: 5:14-cv-04187-RMW

) FRCP 60(d)(3) Motion for Relief

) Date: August 26, 2016

) Time: 9:00 a.m.

) Place: Courtroom 6, 4th Floor

) Judge: Honorable Ronald M. Whyte

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25 MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION
26 FRCP 60(d)(3)

28 MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FRCP 60(d)(3)

I- INTRODUCTION

1
2 1. Plaintiff hereby moves this Court for an order granting this
3 Motion to set aside the Court’s May 5, 2016 Order, June 6, 2016 Order, or modify the
4 Court’s April 1, 2016 Order under the Federal Rule 60(d)(3) standard or in the
5 alternative, 60(b)(3) for and including each standing on their own merit, the fraud
6 involved with:

7
8 Exhibit #3 – October 8 Rule 7.1 3-15 certification

9 Exhibit #4- May 4, 2016 Pleading filed by Rubin and Alphabet Inc.

10 Exhibit #5 – Misleading April 26, 2016 Mayer Brown email fraudulently
11 concealed representation of Alphabet Inc.

12 Exhibit #6 – Misleading 05/09/16 Document 101 pleading filed by Rubin

13 Exhibit #7 – 09/23/15 origin evidence worksheet for auditors¹

14 II- BACKGROUND AND ARGUMENT

15 A. Standard

16
17 2. Under 60(d)(3), a party may seek relief from a judgment or order for fraud upon
18 the Court. Rule 60(d)(3) is intended to “protect the integrity of the judicial process”.
19 Rule 60(d)(3) is not time-barred because it is intended “**to protect the integrity of the**
20 **judicial process**”.

21
22 3. Under 60(b)(3), a party may seek relief from a judgment from fraud (whether
23 previously called intrinsic or extrinsic), misrepresentation, or misconduct by an

24 ¹ providing “cold comfort” letters to Judge Whyte under Plaintiff’s 1999
25 Registration Rights Agreement Section 8, Future false invoice, false book, false
26 or fabricated entries in accounting or books and records of Mayer Brown Law
firm, Rubin, Kappes, Anastasia, Google Inc., Alphabet Inc., Maple
Technologies, Inc., IAC/INTERACTIVE Corp., Match Group Inc.,

1 opposing party;

2
3 4. "Fraud upon the court" has been defined by the 7th Circuit Court of Appeals
4 to "embrace that species of fraud which does, or attempts to, defile the court itself, or
5 is a fraud perpetrated by officers of the court so that the judicial machinery cannot
6 perform in the usual manner its impartial task of adjudging cases that are presented
7 for adjudication." (Kenner v. C.I.R., 387F. 3d 689 (1968); Moore's Federal
8 Practice, 2d ed., p. 512, 60.23). The 7th Circuit further stated "a decision produced
9 by fraud upon the court is not in essence a decision at all, and never becomes final."
10

11 5. 60b(3) and Duty of Candor Case law states, "Fraud on the court" consists of
12 conduct: (1) on part of officer of the court, (2) that is directed to judicial machinery
13 itself, (3) that is intentionally false, willfully blind to the truth, or is in reckless
14 disregard for the truth, that is positive averment or is concealment when one is under
15 duty to disclose, that deceives court." (Demjanjuk v. Petrovsky, 10 F.3d 338, rehearing
16 and suggestion for rehearing denied, certiorari denied Rison v. Demjanjuk, 115 S. Ct.
17 295, 513 U.S. 914, 130 L. Ed. 2d 205 (Ohio) 1993. –Fed Civ Proc 2654.
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19

20
21 6. Attorneys are officers of the court according to case law which states, "an
22 officer of the court...are all attorneys" (People v. Zajic, 88 Ill. App. 3d 477, 410 N.E.
23 2d 626 [1980]). "Whenever any officer of the court commits fraud during a proceeding
24 in the court, he/she is engaged in "fraud upon the court". In Bulloch v, United States,
25 763 F. 2d 1115, 1121 (10th Cir. 1985).
26

1 7. In *Sandstrom v. Chel Lawn Corp.*, 904 F. 2d 83. –Fed CivProc 1741, the
2 court found “Litigant commits “fraud on court” when litigant and attorney
3 concoct some unconscionable scheme calculated to impair court’s ability fairly
4 and impartially to adjudicate dispute.”
5

6 8. In *Abatti v. C.I.R.*, 859 F.2d 115, Me., (1990). – Fed CivProc 2654, the court
7 found that, “Fraud on the court’ may occur when acts of party prevent his
8 adversary from fully and fairly presenting his case or defense.
9

10 **II- STATEMENT OF FACTS**

11 **Misleading Matter #1** – Failure by Defendants to get Court approval to amend the
12 named beneficiaries in the Court’s November 2015 Order.
13

14 9. Both Defendants violated this Court’s Order by amending the beneficiary
15 payee without a Court order.

16 10. Both Defendants were required to file a Motion seeking permission from this
17 Court to change the named beneficiary or file a Motion for instanvr for Administrative
18 Relief under local rule 7-11.
19

20 **Misleading Matter #2** – Failure by Defendants to get Alphabet, Inc. approval from
21 their clients to change the named beneficiary in the Court’s November 2015 Order.

22 11. Evidence of first disclosure of defects or unforecasted results from or that
23 would ensue after public issuer’s October 2, 2016 merger with Maple Technologies or
24 that are existing are on February 11, 2016 Form 10-K.
25

26 **Misleading Matter #3** - False statement in Document 89 Filed 03/28/2016 (page 2)

1 12. When real “impediment” was the impediment fraudulently concealed by
2 Defendants using defective 7.1 and 3-15 disclosure

3 **ii. combined with defective SEC disclosure between at least October 2, 2015 thru**
4 **February 11, 2016.**

5 13. That Plaintiff would need to use legal resources to review Defendant’s
6 Re-organization and Plaintiff would need to respond to the Rule 23 Class’s notice
7 requirements under Rule 23 including direct pleading immediate action including
8 filing unplanned unforecasted but now needed “Alphabet Inc.” amendments needed
9 immediately because a new “Parent company” for public issuer existed.

10 **Matter #4 –**

11
12 14. And Defendant IAC also used same deceptive scheme during
13 same period of time cited in Matter #3. By not disclosing “Match Group” corporate
14 November 2015 re-organization events and transactions that are Rule 7.1 and 3-15
15 disclosable supplemental mandatory requirement.

16 **Misleading Matter #5 -**

17 15. Rubin made further misrepresentations (Exhibit #2 9/18/2015 declaration p3)

18 “Defendant Google Inc (“Google”) opposes any extension”

19
20 “His response: a motion that itself has imposed more costs on Google,”

21 “nothing in his filing demonstrate that he ever offered to pay the
22 sums required by the Court’s November 10, 2015 Order or that he
23 requested wiring instructions so that he could send the money to Google
24 and IAC.

25 “sought to waste more of Google and IAC’s time and money by
26 drawing them into further unnecessary discussions about the schedule”

1 “Since November 10, 2015, the only impediment to reopening this
2 case has been Greenspan’s failure to repay the ordered sums.”

3 “And if he was ready to pay the sum in November or
4 December, as he now insinuates, he should have had no problem
5 paying Google immediately upon the issuance of the Court’s
6 March 25, 2015 Order.”

7 Such statement is misleading and false and should be struck because:

8 The party listed by Rubin is not the real party Defendant in this case.

9 16. Rubin statement is false because its irrelevant that “Google’s costs
10 remain unpaid” as Alphabet Inc. is the real party Defendant.

11 17. Rubin omits fact that Rubin violated the Court’s order by
12 attempting to amend the Court’s previous Order in October 2015 to change the name
13 of the beneficiary party. Lee Rubin did not contact the real party defendant to
14 determine if their “costs” did in fact “remain unpaid” in full or partially or not at all.
15 Because Rubin would have needed to contact Alphabet, Inc. to receive a valid and
16 correct status of the reimbursement of Alphabet, Inc.’s “costs”. Rubin did receive a
17 payment from Plaintiff on April 29, 2016 that was deposited in the Bank of America
18 account provided by Rubin.

19 (See Plaintiff June 2016 filed Declaration In Support 60b1, motion to strike, motion for
20 sanctions, motion 60b2, all incorporated fully by refence herein)

21 **Google’s May 5, 2016 defective, void, fraudulent pleading**

22 18. On May 5, 2016, Defendant Alphabet Inc filing made the misleading claim:

23 “Google’s costs instead remain unpaid by Greenspan despite the provision of payment
24 instructions to Greenspan on April 26, 2016. See id. ¶¶ 3-4.

25 **APRIL 29, 2016 IAC WAS REIMBURSED FOR EITHER OF TWO “COSTS”**

1 19. IAC's Attorney Kappes on May 3, 2016 submitted (Docket # 95,
2 p2): a pleading stating: "I declare under penalty of perjury that the foregoing is true
3 and correct" and further:

4 "4. On or about April 26, 2016 (more then three (3) weeks after
5 the April 1 Order, and the day after payment was due), Plaintiff's
6 counsel, Aaron Gott, Esq., requested that Greenberg Taurig
provide "ABA wire and ACH information"

7 "5. On or about April 27, 2016, Greenberg Taurig provided Mr.
8 Gott with instructions for payment to be made to Greenberg
Taurig for the account of IAC."

9 i. False claim:

10 *"As of May 3, 2016, Greenberg Taurig has not received any payment from*
11 *Plaintiff or Plaintiff's counsel in the above titled matter,"*

12 **III- CONCLUSION**

13 20. Petitioner requests this Honorable Court grant Plaintiff the
14 Relief requested or at very least an opportunity to depose Google and IAC's lawyers
15 that were the producers of fraudulent pleadings and misrepresentations in listed
16 pleadings which contained false defective statements.

17 DATED: June 16, 2016

18 Respectfully submitted,

19 /s/ Brad Greenspan
20 Brad Greenspan
21 2885 Sanford Ave SW #33395
22 Grandville, MI 49418
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Exhibit #1:

Case 5:14-cv-04187-RMW Document 89 Filed 03/28/16 Page 1 of 4

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11 *Attorneys for Defendant*
12 *Google Inc.*

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN JOSE DIVISION

16 BRAD GREENSPAN,
17 Plaintiff,
18 v.
19 IAC/INTERACTIVE CORP., a Delaware
20 corporation;
21 GOOGLE, INC., a Delaware corporation;
22 NEWS CORP., a Delaware corporation;
23 Defendants.

Case No. 5:14-cv-04187-RMW
DEFENDANT GOOGLE'S
OPPOSITION TO PLAINTIFF'S
MOTION TO EXTEND TIME TO
COMPLY WITH NOVEMBER 10, 2015
ORDER [DKT. NO. 85]

1 Defendant Google Inc. ("Google") opposes any extension of time to comply with the
2 Court's November 10, 2015 Order. *See* Dkt. No. 83. The Court has shown the utmost patience
3 with Plaintiff Brad Greenspan's endless stalling tactics and excuses, and has ordered Greenspan
4 to pay some of the costs these tactics have imposed on Google and IAC/Interactive Corp.
5 ("IAC"). His response: a motion that itself has imposed more costs on Google, highlighting once
6 again the need for this meritless litigation to be brought to a close. The Court should not indulge
7 Greenspan's desire to waste yet more time and impose yet more costs on Google and
8 IAC/Interactive Corp. ("IAC"). The Court instead should deny Greenspan's present motion and
9 leave in place the judgment that has been entered.

10 The Court dismissed this action with prejudice for lack of prosecution on May 15, 2015
11 and entered judgment. Dkt. No. 29-30. Greenspan moved to set aside the judgment on July 1,
12 2015. Dkt. No. 39. On September 18, 2015, the Court ordered that it would grant relief from
13 judgment if (1) Greenspan obtained new class counsel within thirty days and (2) reimbursed
14 defendants for costs and expenses in an amount to be set by the Court. Dkt. No. 66. Upon request
15 by Greenspan, the Court extended the deadline for appearance by counsel until November 2,
16 2015, Dkt. No. 81, and new counsel appeared on that day, Dkt. No. 82. On November 10, 2015,
17 the Court ordered that Greenspan pay \$20,000 to Google and pay \$25,000 to IAC in order for the
18 Court to grant relief from the judgment. Dkt. No. 83. After more than four months passed
19 without Greenspan making the required payments, the Court issued an order on March 15, 2016
20 indicating that, unless Greenspan made such payments by March 25, 2016, the motion to set
21 aside the judgment would be denied and the judgment would stand. Dkt. No. 84. Greenspan now
22 moves for an additional thirty days to gather the funds necessary to pay Google and IAC as
23 required by the November 10, 2015. Dkt. No. 85.

24 As made clear by the procedural history outlined above, Greenspan has delayed and
25 deferred at every step of this litigation. Now, he seeks yet another delay purportedly to obtain the
26 funds to make the required payments to Google and IAC. *See* Greenspan Dec. ¶ 4, Dkt. 85-1

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DEFENDANT GOOGLE'S OPPOSITION TO PLAINTIFF'S MOTION TO EXTEND TIME TO
COMPLY WITH NOVEMBER 10, 2015 ORDER
CASE NO. 5:14-CV-04187-RMW

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(asserting that Greenspan needs “an additional 30 days . . . to gather the appropriate funds”).
While he attempts to cast the emails of his counsel to his favor, nothing in his filing demonstrates that he ever offered to pay the sums required by the Court’s November 10, 2015 Order or that he requested wiring instructions so that he could send the money to Google and IAC. Instead, the emails demonstrate only that Greenspan sought to waste more of Google and IAC’s time and money by drawing them into further unnecessary discussions about the schedule for a case that already had been closed for seven months. *See* Bona Dec. Ex. A, Dkt. No. 85-2.

Since November 10, 2015, the only impediment to reopening this case has been Greenspan’s failure to repay the ordered sums. Greenspan could have served a check upon Google’s counsel at any time and filed proof with the Court. He chose not to do so. And if he was ready to pay the sum in November or December, as he now insinuates, he should have had no problem paying Google immediately upon the issuance of the Court’s March 15, 2015 Order. But again, no payment was forthcoming. Instead, Greenspan waited until the very due date of payment to ask for yet another delay, a request that itself has required Google to expend yet more resources. The Court should deny his request and bring this meritless litigation to a close.

CONCLUSION

Greenspan’s motion to extend time to comply with the November 10, 2015 Order should be denied.

Dated: March 28, 2016

MAYER BROWN LLP

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

Exhibit #2

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Exhibit #2

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*Attorneys for Defendant
Google Inc.*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

BRAD GREENSPAN,

Plaintiff

v.

IAC/INTERACTIVE CORP., a Delaware
corporation;

GOOGLE INC., a Delaware corporation;

NEWS CORP., a Delaware corporation;

Defendants.

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

**DECLARATION OF LEE H. RUBIN
REGARDING ATTORNEYS' FEES AND
COSTS INCURRED BY DEFENDANT
GOOGLE SINCE ENTRY OF
JUDGMENT ON MAY 15, 2015**

I, Lee H, Rubin, hereby declare as follows:

1. I am a partner at Mayer Brown LLP and counsel for Defendant Google Inc. ("Google") in the above captioned matter. I have personal knowledge of the facts set forth in this Declaration and, if called upon to do so, I could and would testify competently thereto.
2. I submit this declaration in accordance with the Court's September 18, 2015 Order (Doc. No. 66).
3. Between May 15, 2015 and September 18, 2015, Google incurred attorneys' fees from Mayer

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Exhibit #3 – October 8 Rule 7.1 3-15 certification

<p>16 V. 17 IAC/INTERACTIVE CORP., a Delaware 18 corporation; 19 GOOGLE INC., a Delaware corporation; 20 NEWS CORP., a Delaware corporation; 21 Defendants.</p>	<p style="text-align: right;">CIV. R. 7.1 AND LOCAL RULE 3-15 CERTIFICATE OF INTERESTED ENTITIES</p> <p style="text-align: right;">DATE FILED: OCTOBER 8, 2015</p> <p>Pursuant to Federal Rule of Civil Procedure 7.1, Defendant Google Inc. discloses that Google Inc. is a wholly owned subsidiary of Alphabet Inc.; accordingly, Alphabet Inc. has more than 10% ownership of Google Inc.</p> <p>Pursuant to Civil L.R. 3-15, the undersigned certifies that the following listed persons, associations of persons, firms, partnerships, corporations (including parent corporations) or other entities (i) have a financial interest in the subject matter in controversy or in a party to the proceeding, or (ii) have a non-financial interest in that subject matter or in a party that could be</p> <p style="text-align: center;">DEFENDANT'S RULE 7.1 AND LOCAL RULE 3-15 CERTIFICATE OF INTERESTED ENTITIES CASE NO. 5:14-CV-04187-RMW</p> <p style="text-align: center;">Case 5:14 cv 04187 RMW Document 73 Filed 10/08/16 Page 2 of 2</p> <p>1 substantially affected by the outcome of this proceeding: 2 1. Alphabet Inc., Holding Company of Defendant 3 2. Google Inc., Defendant 4 5 Dated: October 8, 2015 6 7</p> <p style="text-align: right;">MAYER BROWN LLP</p>
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*Attorneys for Defendant
Google Inc.*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

BRAD GREENSPAN,

Plaintiff

v.

IAC/INTERACTIVE CORP., a Delaware
corporation;

GOOGLE, INC., a Delaware corporation;

NEWS CORP., a Delaware corporation;

Defendants.

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

**DECLARATION OF LEE H. RUBIN IN
SUPPORT OF NOTICE OF PLAINTIFF
BRAD GREENSPAN'S
NONCOMPLIANCE WITH APRIL 1,
2016 ORDER (DKT. NO. 90)**

I, Lee H. Rubin, declare:

1. I am a member of the Bar of the State of California and a partner of the law firm of Mayer Brown LLP, attorneys for Defendant Google, Inc. ("Google"). I make this declaration based on my own personal knowledge. If called to testify as a witness, I could and would do so competently.
2. On Monday, April 25, 2016, at 9:14 PM, I received an email from counsel for Greenspan, Aaron Gott, requesting payment instructions. *See* Ex. A.

DECLARATION OF LEE H. RUBIN IN SUPPORT OF NOTICE OF PLAINTIFF
BRAD GREENSPAN'S NONCOMPLIANCE WITH APRIL 1, 2016 ORDER (DKT. NO. 90)
CASE NO. 5:14-CV-04187-RMW

Exhibit #4

Exhibit #4- May 4, 2016 Pleading filed by Rubin and Alphabet Inc.

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Case 5:14-cv-04187-RMW Document 98-1 Filed 05/04/16 Page 2 of 6

- 3. On Tuesday, April 26, 2016, at 5:31 PM, I emailed payment instructions to counsel for Greenspan, Aaron Gott. *See* Ex. A.¹ In that email, I stated that “Google has authorized Mayer Brown to receive Mr. Greenspan’s payment of the fee award ordered by the Court,” and that “Google reserves all rights with respect to any claim or argument that Plaintiff’s motion to set aside the judgment should be denied because Mr. Greenspan’s payment of the fee award to Google did not comply with the court’s order of April 1, 2016.” *Id.*
- 4. Mayer Brown LLP has not received any payment of costs from Greenspan or Greenspan’s counsel as of the filing of this declaration. Nor has Greenspan filed the required declaration of payment with the Court.

Dated: May 4, 2016

MAYER BROWN LLP
LEE H. RUBIN
DONALD M. FALK

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

Attorneys for Defendant GOOGLE INC.

¹ Mayer Brown LLP’s bank account number and routing information has been redacted from the attached exhibit.

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Exhibit #5 – Misleading April 26, 2016 email sent from Rubin fraudulently concealing representation of Alphabet Inc.

Case 5:14-cv-04187-RMW Document 98-1 Filed 05/04/16 Page 4 of 6

From: Rubin, Lee H.
Sent: Tuesday, April 26, 2016 5:31 PM
To: 'Aaron Gott'; Falk, Donald M.
Cc: Jarod Bona; Clariyce Tally
Subject: RE: 14-CV-01487 Greenspan v. IAC et al

Aaron - Google has authorized Mayer Brown to receive Mr. Greenspan's payment of the fee award ordered by the court. If sending all or a portion of the fee award by check, please send to:

Lee H. Rubin
Mayer Brown LLP
Two Palo Alto Square
Suite 300
Palo Alto, CA 94306

If sending all or a portion of the fee award by wire transfer, please wire as follows:

Bank Name: Bank of America
Bank address: 231 South LaSalle Street, Chicago, IL 60697
Bank ABA No.: [REDACTED]
Account No.: [REDACTED]
Account Name: Mayer Brown LLP
Reference: [REDACTED]

Google reserves all rights with respect to any claim or argument that Plaintiff's motion to set aside the judgment should be denied because Mr. Greenspan's payment of the fee award to Google did not comply with the court's order of April 1, 2016.

Regards, Lee

From: Aaron Gott [<mailto:aaron.gott@bonalawpc.com>]
Sent: Tuesday, April 26, 2016 2:30 PM
To: Falk, Donald M.; Rubin, Lee H.
Cc: Jarod Bona; Clariyce Tally
Subject: RE: 14-CV-01487 Greenspan v. IAC et al

Gentlemen:

I haven't heard back from you. Please let me know when we can expect the requested information.

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Exhibit #6 – Misleading 05/09/16 Document 101 pleading filed by Rubin

Case 5:14-cv-04187-RMW Document 101 Filed 05/09/16 Page 1 of 5

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6

7 *Attorneys for Defendant Google Inc.
and Non-Party Mayer Brown LLP*

8 Additional Counsel Listed on Signature Page

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

13 BRAD GREENSPAN,

14 Plaintiff,

15 v.

16 IAC/INTERACTIVE CORP., a Delaware
corporation;

17 GOOGLE, INC., a Delaware corporation;

18 NEWS CORP., a Delaware corporation;

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

NON-PARTY MAYER BROWN LLP
AND GREENBERG TRAURIG LLP'S
JOINT ADMINISTRATIVE MOTION
TO SEAL PORTIONS OF THE
GREENSPAN DECLARATION (ECF
NO. 92)

P 60(d)(3)

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1 I, Lee H. Rubin, declare and state as follows:

2 1. I am a partner at the law firm of Mayer Brown LLP ("Mayer Brown"), counsel of
3 record for named defendants in the above-captioned action. I submit this declaration in support
4 of Non-Party Mayer Brown LLP and Greenberg Traurig LLP's Joint Administrative Motion to
5 Seal Portions of the Greenspan Declaration (ECF No. 92). I have personal knowledge of the
6 facts stated in this declaration and if called as a witness, I could and would competently testify to
7 them.

8 2. On May 2, 2016, Plaintiff Brad Greenspan filed a Notice of Motion to Intervene
9 for Limited Purpose ("Motion"), along with supporting papers including the Greenspan
10 Declaration. According to the ECF entries for this proceeding, the Motion and supporting papers
11 were entered into the docket by Court Staff on May 3, 2016, which is when counsel for Mayer
12 Brown received notice of the Greenspan Declaration. Page 12¹ of the Greenspan Declaration
13 includes an email dated April 26, 2016 from myself to Aaron Gott and my colleague Donald Falk
14 (and copying Jarod Bona and Clariece Tally), which contains specific bank account information
15 (including account name and routing and account numbers) related to Mayer Brown.

16 3. The specific bank Mayer Brown account information (including account name
17 and routing and account numbers) included in Page 12 of the Greenspan Declaration contains
18 highly confidential financial information that Mayer Brown does not disseminate to the public.
19 The disclosure of this bank account information would cause Mayer Brown harm if it was
20 released into the public record by allowing, for example, third parties to view and attempt to gain
21 access to sensitive financial information related to Mayer Brown's bank account.

22 I declare under penalty of perjury under the laws of the United States that the foregoing is
23 true and correct. Executed this 9th day of May, 2016 in Palo Alto, California.

24 Lee H. Rubin
25 Lee H. Rubin

26 ¹ Page numbers herein refer to the page numbers generated by ECF when the Greenspan
27 Declaration was filed.

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Exhibit #7 – 09/23/15 origin evidence worksheet for auditors providing “cold comfort” letters to Judge Whyte under Plaintiff’s 1999 Registration Rights Agreement Section 8, Future false invoice, false book, false or fabricated entries in accounting or books and records of Mayer Brown Law firm, Rubin, Kappes, Anastasia, Google Inc., Alphabet Inc., Maple Technologies, Inc., IAC/INTERACTIVE Corp., Match Group Inc.,

1 Brown LLP’s representation in connection with this matter in the amount of \$28,529.41, and
2 costs in the amount of \$162.50.

3 4. Detailed billing information for Mayer Brown LLP pertaining to its work in connection with
4 the above-referenced matter since May 15, 2015 (including Date, Timekeeper, Description,
5 Hours and Amount) is provided in Exhibit A.

6 5. I billed Google for 7.95 hours of my time at a billable rate of \$705.50 per hour, equaling
7 \$5,608.73.

8 6. Donald M. Falk billed Google for 8.20 hours of his time at a billable rate of \$705.50 per
9 hour, equaling \$5,785.10.

10 7. Stephen Lilley billed Google for 30.10 hours of his time at a billable rate of \$556.75 per
11 hour, equaling \$16,758.18.

12 8. Hamsa M. Murthy billed Google for .80 hours of her time at a billable rate of \$471.75 per
13 hour, equaling \$377.40.

14 9. Based on my experience in cases of a similar nature, the hours incurred by Mayer Brown
15 LLP professionals as reflected above were necessary and reasonable.

16 10. Mayer Brown LLP incurred \$162.50 in costs on behalf of Google in connection with the
17 above-referenced matter on August 7, 2015 for delivery of documents to court from A&A
18 Legal Services.

19 11. The fees and costs described above constitutes a true and accurate summary of the fees and
20 costs incurred by Google since May 15, 2015, in the above-referenced matter. This summary
21 was prepared based on contemporaneous time and expense records.

22 12. I declare under penalty of perjury that the facts contained in this declaration are true and
23 correct.

24 Dated: September 23, 2015

MAYER BROWN LLP
By: /s/ Lee H. Rubin
Lee H. Rubin
Attorneys for Defendant Google Inc.

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