

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

JORDAN POWELL, *
Plaintiff *
v * Civil Action No. JKB-19-1244
ALPHABET, INC., *et al.*, *
Defendants *

ORDER

The above-captioned Complaint was filed with the full filing fee, and therefore Plaintiff bears the responsibility for effecting service of process on Defendants. Plaintiff may effectuate service by presenting summons to the Clerk for signature and seal and then serving a copy of the summons and Complaint on Defendants. While Plaintiff has provided summons to the Clerk, the summons are not completed properly in that they fail to identify the Resident Agent of each of the named corporate Defendants. Plaintiff will be given an opportunity to cure the deficiencies.

Pursuant to Federal Rules of Civil Procedure 4(c)(2), service of a summons and Complaint may be effected by any person who is not a party and who is at least 18 years of age. Plaintiff is reminded that under Rule 4(l), the person effecting service of the summons and Complaint must promptly notify the Court,¹ through an affidavit, that he or she has served Defendants.

Service of process on corporations and associations may be made pursuant to Rule 4(h). Plaintiff may contact the office of the State Department of Assessments and Taxation at (410) 767-

¹ If Plaintiff does not use a private process server, and instead uses certified mail, restricted delivery, return receipt requested, to make service, Plaintiff must file with the Clerk the United States Post Office acknowledgment as proof of service.

1330 or visit the website at <https://egov.maryland.gov/BusinessExpress/EntitySearch> to obtain the name and service address for the resident agent of a corporate defendant.

If there is no record that service was effectuated on Defendants, Plaintiff risks dismissal of this case. Pursuant to Rule 4(m) and Local Rule 103.8.a, if a party demanding affirmative relief has not effectuated service of process within 90 days of filing the Complaint, the Court may enter an order asking the party to show cause why the claims should not be dismissed. If the party fails to show cause within the time as set by the Court, the Complaint shall be dismissed without prejudice.

Accordingly, it is by the United States District Court for the District of Maryland, hereby
ORDERED:

1. Plaintiff SHALL SUBMIT corrected summons to the Clerk within 21 days of the date of this Order and the Clerk SHALL issue summons and return summons to Plaintiff. If service copies of the Complaint were provided, the Clerk SHALL RETURN them to the Plaintiff; and
2. The Clerk SHALL SEND a copy of this Order to Plaintiff.

Dated this 15th day of May, 2019.

FOR THE COURT:

James K. Bredar
Chief Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

JORDAN POWELL,

*

2019 MAY 31 A 11:32

Plaintiff

*

CLERK'S OFFICE
AT GREENBELT
MD

v

*

Civil Action No. JKB-19-1244

ALPHABET, INC., *et al.*,

*

Defendants

*

COMPLIANCE AND JURISDICTION

1. In response to the Order dated May 15, 2019, Plaintiff submits corrected summons to the Clerk for signature and seal.
2. Plaintiff also seeks to provide additional clarity regarding jurisdiction, in prelim of response by defendants, considering the limited record at this stage alongside the heightened complexity of warrant for jurisdiction over each named defendant. While Google LLC is the only defendant registered to do business in the State of Maryland and thereby the only defendant listed in the Maryland State Department of Assessments and Taxation registry, mere registration is not Plaintiff's basis for jurisdiction over Google LLC because Maryland rejects general jurisdiction by consent based on state registration statutes.
3. In accordance with law, Plaintiff intends to serve each defendant in California pursuant to Federal Rule of Civil Procedure 4(h)(B) and Maryland District Court Rule of Civil Procedure 3-124. Pursuant to court Order, Plaintiff has now also identified the Agent for Service of Process for Alphabet Inc., Google LLC, and YouTube LLC as registered by the California Secretary of State contained in the 1505 certificates for each defendant's Agent for Service of Process; noting

each defendant maintains the same Agent for Service of Process, identified under the same certificate, at the same address. Plaintiff has also identified the Registered Agent of Google LLC as listed in the Maryland State Department of Assessments and Taxation registry, and affixed such identity to the corrected summons for Google LLC in order to ensure complete compliance with court Order.

4. As to jurisdiction over YouTube LLC, the defendant has availed itself of the forum State of Maryland by entering into contract with Plaintiff here, providing services under contract here, and triggering the resultant damages to Plaintiff by breaching that contract here as alleged. Therefore, this court has specific jurisdiction over the entire matter especially concerning Antitrust via the express grant of jurisdiction to this court by the United States Congress such that “[a]ny suit, action, or proceeding under the antitrust laws against a corporation may be brought not only in the judicial district whereof it is an inhabitant, but also in any district wherein it may be found or transacts business; and all process in such cases may be served in the district of which it is an inhabitant, or wherever it may be found.” 15 U.S.C. § 22.

5. As to jurisdiction over Google LLC, the defendant transacts business here, as noted in the Complaint and incorporated by reference here. Furthermore, Plaintiff’s contract with YouTube contains an uncontested California choice of law provision. Therefore, California Corporations Code § 17703.04 governing alter ego liability applies here. Plaintiff attests that signing up with YouTube automatically created a Google account as well. Emails from YouTube were sent from the google.com domain, and when Plaintiff’s YouTube account and services were terminated Plaintiff’s Google account and services were terminated simultaneously. Bookkeeping for Google LLC and YouTube are recorded together as singular segment, as seen in Alphabet’s 2018

10-K filed with the Securities Exchange Commission. Google LLC is thereby the alter ego of YouTube LLC.

6. "A party seeking to establish jurisdiction over a person or entity can either: (1) show each defendant's sufficient, direct contacts with the forum state, or (2) use the alter ego theory to "extend personal jurisdiction to a foreign parent or subsidiary when, in actuality, the foreign entity is not really separate from its domestic affiliate."" United States Ninth Circuit, *IN RE: Boon Global Limited*, 18-71347, Decided: May 03, 2019, at 8 citing *Ranza v. Nike, Inc.*, 793 F.3d 1059, 1073 (9th Cir. 2015).

7. Finally, as to this court's jurisdiction over Alphabet Inc., the defendant Alphabet is likewise an alter ego of Google LLC and similarly subject to § 17703.04 liability because Alphabet Inc. and Google LLC maintain the same corporate headquarters, the same Agent for Service of Process, and shareholders of Google Inc. became shareholders of Alphabet Inc. and the alter ego Google LLC became the front facing subsidiary of what is truly the same company.

8. Furthermore, 99.6% of Alphabet Inc. revenue is derived from the Google LLC segment of its 2018 10-K (Note: the Google LLC segment includes YouTube LLC and financial reporting for both companies are presented together.) The registration statement also included "[w]e consent to the incorporation by reference in the following Registration Statements: (1) Registration Statement (Form S-8 No. 333-207254) pertaining to the Google Inc. 2004 Stock Plan, Alphabet Inc. 2012 Stock Plan"

9. This showing resonates of the fact that to this date Alphabet Inc. remains the alter ego of its former existence as Google Inc., now only masked by the appearance of Google LLC which commingles operations, accounting, and leadership with YouTube LLC. The many are in fact the one, and so all are subject to the jurisdiction of this court jointly and severally as intended by the legislative wisdom of California Corporations Code § 17703.04 and 15 United States Code § 22.

10. Hereby, Plaintiff respectfully clarifies the jurisdictional authority of this court over all named defendants and respectfully requests the signature and seal of the Clerk of Court upon each corrected summons for the effectuation of service of process upon each named defendant to commence the undertaking of this highly meritorious lawsuit.

Dated this 30th Day of May, 2019

Respectfully submitted,



Jordan Powell
6441 Meadowlark Drive
Dunkirk, MD 20754
jordan.ttpowell@gmail.com
202.503.5284
Fax: N/A