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18 **UNITED STATES DISTRICT COURT**
19 **NORTHERN DISTRICT OF CALIFORNIA**

20 DIANNE BENTLEY, JENNIFER GRACE,
21 ADAN MOYA, CORESA TRIMBLE, and
22 ROBERT WING, on behalf of themselves and
23 all others similarly situated,

24 Plaintiffs,

25 v.

26 GOOGLE LLC, GOOGLE IRELAND
27 LIMITED, GOOGLE COMMERCE LIMITED,
GOOGLE ASIA PACIFIC PTE. LIMITED, and
GOOGLE PAYMENT CORP.,

Defendants.

CASE NO. _____

CLASS ACTION COMPLAINT

DEMAND FOR JURY TRIAL

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1 Plaintiffs Dianne Bentley, Jennifer Grace, Adan Moya, Coresa Trimble, and Robert Wing
2 (collectively, “Plaintiffs”), on behalf of themselves and all others similarly situated, bring this class action
3 against Defendants Google LLC, Google Ireland Ltd., Google Commerce Ltd., Google Asia Pacific Pte.
4 Ltd., and Google Payment Corp. (collectively, “Google”), and allege the following based upon
5 information and belief, except as to those allegations that are based on Plaintiffs’ personal knowledge.

6 **I. INTRODUCTION**

7 1. This is an antitrust class action arising out of Google’s unlawful conduct concerning the
8 Google Play Store, Google’s store for the distribution and sale of billions of applications (“apps”) and
9 in-app purchases running on Android smartphones and other mobile devices utilizing the Android
10 operating system. Through its acquisition and maintenance of an unlawful monopoly, and its
11 anticompetitive contractual restrictions imposed on app developers, Google has forced consumers to pay
12 supra-competitive prices for apps and in-app purchases on the Google Play Store. Although Google has
13 publicly acknowledged “that developers should have a choice in how they distribute their apps and that
14 stores should compete for the consumer’s and the developer’s business,”¹ its unlawful conduct has
15 prevented such choices and foreclosed competition, to the enormous detriment of consumers throughout
16 the United States. By this action, Plaintiffs, on behalf of themselves and other consumers, seek monetary
17 damages for injuries sustained from Google’s unlawful conduct, and injunctive relief enjoining Google
18 from continuing its anticompetitive conduct.

19 **II. JURISDICTION AND VENUE**

20 2. This Court has subject-matter jurisdiction over Plaintiffs’ federal antitrust claims pursuant
21 to the Clayton Antitrust Act, 15 U.S.C. § 26, and 28 U.S.C. §§ 1331 and 1337. The Court has
22 supplemental jurisdiction over Plaintiffs’ state law claims pursuant to 28 U.S.C. § 1367.
23
24

25 _____
26 ¹Sameer Samat, *Listening to Developer Feedback to Improve Google Play*, ANDROID DEVELOPERS
27 BLOG (Sept. 28, 2020), <https://android-developers.googleblog.com/2020/09/listening-to-developer-feedback-to.html>.

1 3. This Court also has subject-matter jurisdiction over the state law claims pursuant to 28
2 U.S.C. § 1332 based on the diversity of citizenship of the Plaintiffs and of Defendants, and the amount
3 in controversy exceeds \$75,000.

4 4. Alternatively, this Court has subject-matter jurisdiction over the state law claims pursuant
5 to the Class Action Fairness Act, 28 U.S.C. § 1332(d)(2). The amount-in-controversy, exclusive of costs
6 and interests, exceeds the sum of \$5,000,000, in the aggregate, there are well over 100 members of the
7 proposed Class, and a Plaintiff and a Defendant are citizens of different states. Plaintiff Grace is a citizen
8 of Pennsylvania and Defendants Google LLC and Google Payment are citizens of California, where they
9 maintain their principal places of business.

10 5. This Court has personal jurisdiction over the Defendants. Google LLC and Google
11 Payment are headquartered in this District. All Defendants have engaged in sufficient minimum contacts
12 with the United States and have purposefully availed themselves of the benefits and protections of United
13 States and California law, such that the exercise of jurisdiction over them would comport with due
14 process requirements.

15 6. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) because Google LLC and
16 Google Payment maintain their principal places of business in the State of California and in this District,
17 because a substantial part of the events or omissions giving rise to Plaintiffs' claims occurred in this
18 District, and because, pursuant to 28 U.S.C. § 1391(c)(3), any Defendants not resident in the United
19 States may be sued in any judicial district and their joinder with others shall be disregarded in determining
20 proper venue. In the alternative, personal jurisdiction and venue also may be deemed proper under
21 Section 12 of the Clayton Antitrust Act, 15 U.S.C. § 22, because Defendants may be found in or transact
22 business in this District.

23 **III. INTRA-DISTRICT ASSIGNMENT**

24 7. Pursuant to N.D. Cal. Civil Local Rule 3.2 and General Order 44, this antitrust class action
25 shall not be assigned to a particular Division of this District but shall be assigned on a District-wide basis.
26
27

1 **IV. PARTIES**

2 8. Plaintiff Dianne Bentley is an individual residing in North Carolina who purchased an
3 application(s) and/or made an in-app purchase(s) through the Google Play Store during the relevant
4 statutory period.

5 9. Plaintiff Jennifer Grace is an individual residing in Pennsylvania who purchased an
6 application(s) and/or made an in-app purchase(s) through the Google Play Store during the relevant
7 statutory period.

8 10. Plaintiff Adan Moya is an individual residing in Colorado who purchased an
9 application(s) and/or made an in-app purchase(s) through the Google Play Store during the relevant
10 statutory period.

11 11. Plaintiff Coresa Trimble is an individual residing in Missouri who purchased an
12 application(s) and/or made an in-app purchase(s) through the Google Play Store during the relevant
13 statutory period.

14 12. Plaintiff Robert Wing is an individual residing in Florida who purchased an application(s)
15 and/or made an in-app purchase(s) through the Google Play Store during the relevant statutory period.

16 13. Defendant Google LLC is a Delaware limited liability company with its principal place
17 of business in Mountain View, California. Google LLC is the primary operating subsidiary of the publicly
18 traded holding company Alphabet Inc. The sole member of Google LLC is XXVI Holdings, Inc., a
19 Delaware corporation with its principal place of business in Mountain View, California. Google LLC
20 contracts with all app developers that distribute their apps through the Google Play Store and is therefore
21 a party to the anticompetitive contractual restrictions at issue in this suit.

22 14. Defendant Google Ireland Limited (“Google Ireland”) is a limited company organized
23 under the laws of Ireland with its principal place of business in Dublin, Ireland, and is a subsidiary of
24 Google LLC. Google Ireland contracts with all app developers that distribute their apps through the
25 Google Play Store and is therefore a party to the anticompetitive contractual restrictions at issue in this
26 suit.

27

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