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11 ATTORNEYS FOR PLAINTIFF
12 ANDREW SOKOLOWSKI

Complex
Alc 029
90067

FILED
LOS ANGELES SUPERIOR COURT

NOV 13 2012

JOHN A. CLARKE, CLERK
[Signature]
BY MARY FLORES, DEPUTY

CCW
D-322

Kenneth Freeman

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT

15 ANDREW SOKOLOWSKI, an individual, on)
16 behalf of himself and all others similarly)
17 situated,)

18 PLAINTIFF,)

19 v.)

20 MICROSOFT CORPORATION; and DOES 1-)
21 100, inclusive;)

22 DEFENDANTS.)

CASE NO.: **BC 49 5 5 3 8**

Unlimited Civil Case over \$25,000

COMPLAINT

[CLASS ACTION]

1. VIOLATIONS OF THE CALIFORNIA CONSUMER LEGAL REMEDIES ACT (California Civil Code §§ 1750 *et seq.*);
2. FALSE ADVERTISING (California Business and Professions Code §§ 17500 *et seq.*); and
3. UNFAIR BUSINESS PRACTICES (California Business and Professions Code §§ 17200 *et seq.*)

JURY TRIAL DEMANDED

CIT/CASE: BC495538
LEA/DEF#: _____
RECEIPT #: CCH478057012
DATE PAID: 11/13/12 08:31 AM
PAYMENT: \$1,435.00 310
RECEIVED:
CHECK: \$1,435.00
CASH: \$0.00
CHANGE: \$0.00
CARD: \$0.00

11/13/2012

1 Plaintiff Andrew Sokolowski ("Plaintiff") brings this consumer class action on behalf of
2 himself and all other similarly situated consumers throughout the State of California, against
3 Defendant Microsoft Corporation ("Defendant" or "Microsoft"), and alleges as follows:

4 **JURISDICTION AND VENUE**

5 1. This is a civil action by Plaintiff, on behalf of himself and all other people in the
6 State of California who purchased from Defendant a Microsoft Surface tablet computer running
7 the Windows RT operating system (the "Class") during the period beginning four years before the
8 filing of this complaint until the time of class certification (the "Class Period").

9 2. Plaintiff seeks restitution from Defendant for violations of the False Advertising
10 Law and the Unfair Competition Law relating to Defendant's misrepresentations and material
11 omissions alleged in this Complaint.

12 3. Plaintiff also seeks injunctive relief under the California Consumer Legal Remedies
13 Act.

14 4. Plaintiff is an individual who purchased a Microsoft Surface tablet computer
15 running the Windows RT operating system in Los Angeles County, California.

16 5. At all relevant times, Plaintiff was a resident of Los Angeles County, California.

17 6. Venue as to Defendant is proper in this judicial district pursuant to California Code
18 of Civil Procedure sections 395(a) and 395.5 because the Plaintiff's injury occurred in the County
19 of Los Angeles and/or because the Defendant operates a retail store in Los Angeles County,
20 California, from which Plaintiff purchased a Microsoft Surface tablet computer running the
21 Windows RT operating System (the "Surface RT tablet").

22 **PARTIES**

23 7. Plaintiff Andrew Sokolowski ("Plaintiff") is, and at all relevant times was, an
24 individual consumer residing in Los Angeles County, California. On November 7, 2012, Plaintiff
25 purchased a Surface RT tablet with 32 gigabytes ("32 GB") of purported storage space for \$499.00
26 from the Microsoft Store located at the Westfield Century City Mall in Los Angeles, California.
27 Plaintiff purchased the 32 GB Surface RT tablet primarily for personal, family or household use.
28 At the same time, Plaintiff also purchased a Microsoft "type cover," which is a traditional

1 keyboard integrated into a cover for the product, at an additional cost of \$129.99.

2 8. Plaintiff purchased his Surface RT tablet in reliance on Defendant's claims, on its
3 website, advertisements, product packaging and on the placards placed next to the Surface RT
4 tablet computers at the Microsoft Store, that the Surface RT tablet came equipped with 32 GB of
5 storage space.

6 9. Defendant Microsoft Corporation ("Defendant" or "Microsoft") is a corporation
7 organized under the laws of the State of Washington with its headquarters at One Microsoft Way,
8 Redmond, Washington 98052. On information and belief, Microsoft markets, sells and distributes
9 Surface RT tablets throughout the State of California, including Los Angeles County.

10 10. The true names and capacities, whether individual, corporate, subsidiary,
11 partnership, associate or otherwise of defendant Does 1 through 100, inclusive, are unknown to
12 Plaintiff who therefore sues these defendants by such fictitious names pursuant to Cal. Civ. Proc.
13 Code § 474. Plaintiff will seek leave to amend this Complaint to allege the true names and
14 capacities of Does 1 through 100, inclusive, when they are ascertained.

15 11. On information and belief, Plaintiff alleges that the Defendants named in this
16 Complaint, including Does 1 through 100, inclusive, are responsible in some manner for one or
17 more of the events and happenings that proximately caused the injuries and damages hereinafter
18 alleged.

19 12. On information and belief, Plaintiff alleges that the Defendants named in this
20 Complaint, including Does 1 through 100, inclusive, are, and at all times mentioned herein were,
21 agents, servants, and/or employees of each of the other defendants and that each defendant was
22 acting within the course of scope of his, hers or its authority as the agent, servant and/or employee
23 of each of the other defendants. Consequently, all the defendants are jointly and severally liable to
24 Plaintiff and the other members of the Class, for the damages sustained as a proximate result of
25 their conduct

26 **NATURE OF THE ACTION**

27 13. Microsoft was founded in 1975 by Bill Gates and Paul Allen. Microsoft develops,
28 manufactures, licenses and supports a wide range of products and services related to computing.

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1 14. In June 2012, Microsoft's Chief Executive Officer, Steve Ballmer, announced that
2 Microsoft would release a tablet computer called the "Surface." A "tablet" computer is a general-
3 purpose computer contained in a single panel which typically uses a touch screen as the input
4 device rather than a traditional keyboard.

5 15. Microsoft will eventually release two versions of the Surface tablet computer. The
6 first version became available for purchase on or about October 26, 2012, and uses the Windows
7 RT operating system (the "Surface RT tablet(s)"). The Surface RT tablet comes in two versions,
8 one which Microsoft represents as having 32 gigabytes (32 GB) of storage space, and one which
9 Microsoft represents as having 64 gigabytes (64 GB) of storage space. The 32 GB Surface RT
10 tablet retails for approximately \$499, or \$599 if purchased with a cover with integrated "touch"
11 keyboard. The 64 GB Surface RT tablet retails for approximately \$699 with the integrated
12 keyboard cover.

13 16. In or about January 2013, Microsoft is scheduled to release another version of the
14 Surface tablet that uses and runs its recently released Windows 8 operating system.

15 17. Defendant employs false, deceptive and misleading practices in connection with
16 marketing, selling, and distributing the Surface RT tablets. Specifically, in its advertising,
17 marketing, and promotional materials, including Microsoft's internet website, product packaging,
18 and product displays, Defendant misrepresents the Surface RT tablets as having either 32 GB or
19 64 GB of storage capacity. The only disclosure next to Defendant's representations on its website
20 regarding storage capacity reads:

21 Storage 32 GB*; 64 GB
22 *1GB = 1 billion bytes; formatted storage capacity may be less¹

23 18. On information and belief, Microsoft knows, but conceals and fails to disclose in its
24 advertising, marketing or promotional materials, that the Windows RT operating system consumes
25 approximately 16 GB of the represented storage capacity of the Surface RT tablets and that those
26 16 GBs are not, therefore, storage space that the consumer can actually use to store files after

27 _____
28 ¹ See <http://www.microsoft.com/Surface/en-US/surface-with-windows-rt/specifications> (last
visited November 12, 2012).

1 purchase. Thus for a consumer who purchases the 32 GB Surface RT tablet, as Plaintiff did, about
2 50% of the represented storage capacity is inaccessible and unusable. For purchasers of 64 GB
3 Surface RT tablets, approximately 25% of the represented storage capacity is inaccessible and
4 unusable.

5 19. Plaintiff purchased a 32 GB Surface RT tablet in reliance on Microsoft's
6 misrepresentations and omissions. Microsoft's misrepresentations and omissions are deceptive
7 and misleading because the omit material facts that an average consumer would consider in
8 deciding whether to purchase its products, namely, that 16 GB of the represented storage capacity
9 is, in fact, not available to the purchaser for storage.

10 20. After purchasing his Surface RT tablet, Plaintiff loaded music and some Word
11 documents onto the tablet. While loading music onto his Surface RT tablet, Plaintiff was
12 surprised when it notified him that the tablet no longer had enough storage capacity to
13 accommodate additional files.

14 21. Microsoft continues to mislead consumers by representing that its Surface RT
15 tablets are equipped with either 32 GB or 64 GB of storage space while concealing, omitting and
16 failing to disclose that approximately 16 GB of that space is not available storage space that the
17 purchaser can access and use to store his or her own files.

18 22. Plaintiff hereby brings this class action seeking redress for Defendant's unfair
19 business practices, false or deceptive or misleading advertising, and violations of the Consumers
20 Legal Remedies Act ("CLRA").

21 **CLASS ALLEGATIONS**

22 23. Plaintiff brings this action on behalf of himself, and on behalf of all others similarly
23 situated, as a class action pursuant to California Code of Civil Procedure § 382.

24 24. Plaintiff seeks to represent the following class:

25 All persons or entities in the State of California who purchased Microsoft
26 Surface tablet computers running the Windows RT operating system for
27 purposes other than resale or distribution at any time within the four years
28 preceding the filing of this Complaint.

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25. Plaintiff also seeks to represent a "CLRA Subclass" defined as:
All persons in the State of California who purchased Microsoft
Surface tablet computers running the Windows RT operating
system for personal, family or household use within the four years
preceding the filing of this Complaint.

26. This Class Action meets the statutory prerequisites for the maintenance of a Class
Action as set forth in California Code of Civil Procedure § 382.

27. Numerosity: The number of class members is great, believed to be hundreds of
consumers located throughout the State of California. Knowledge of the precise number of class
members is presently within Defendant's sole control. It therefore is impractical to join each class
member as a named plaintiff. Accordingly, utilization of a class action is the most economically
feasible means of determining the merits of this litigation.

28. Ascertainability: Despite the size of the proposed classes, the class members are
readily ascertainable through an examination of Microsoft's purchase records.

29. Common Questions Predominate: Common questions of fact and of law
predominate over individual issues which may affect individual Class members. These questions
of law and fact include, but are not limited to:

- a. Whether Defendant's advertising, marketing, product packaging, and other promotional materials were untrue, misleading, or reasonably likely to deceive;
- b. Whether Defendant knew that its representations and/or omissions regarding the Surface RT tablets' storage capacity were false or misleading, but continued to make them;
- c. Whether Defendant's failure to disclose the amount of storage space consumed by the Windows RT operating system was a material fact;
- d. Whether Defendant's conduct violated the California Consumer Legal Remedies Act;
- e. Whether Defendant's conduct violated California Business and Professions

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Code section 17500, *et seq.*;

- f. Whether Defendant's conduct violated California Business and Professions Code section 17200 *et seq.*;
- g. Whether Plaintiff and other Class members were damaged and, if so, the measure of damages;
- h. Whether Plaintiff and other Class members are entitled to restitution for Defendant's conduct; and
- i. Whether Plaintiff and other Class members are entitled to declaratory or injunctive relief.

30. Community of Interest: There is a well-defined community of interest in the questions of law and fact common to the class members, which are susceptible to common proof.

31. Typicality: Plaintiff's claims are typical of the claims of the class members he seeks to represent. Plaintiff and the Class members were affected by Defendant's uniform course of conduct, e.g., Defendant deceived Plaintiff in the same manner that it deceived each member of the Class.

32. Adequacy of Representation: Plaintiff will fairly and adequately represent and protect the interests of the Class in that he has no disabling conflicts of interest that would be antagonistic to other members of the Class. Additionally, Plaintiff seeks relief that is not antagonistic or adverse to the members of the Class in that the infringement of Plaintiff's rights and the damages Plaintiff has suffered are typical of all other members of the Class. Moreover, Plaintiff has retained counsel that is competent and experienced in class actions.

33. Superiority: A class action is a superior method for the fair and efficient adjudication of this controversy. The persons within the class are so numerous that joinder is impracticable. The disposition of all claims of the members of the class in a class action, rather than in individual actions, benefits the parties and the Court. The interest of the class members in controlling the prosecution of separate claims against Defendant is small when compared with the efficiency of a class action. In cases such as this, the likelihood of individual Class Members prosecuting separate claims is remote and class action treatment will allow those similarly situated

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1 persons to litigate their claims in the manner that is most efficient and economical for the parties
2 and judicial system. Further, if each consumer were required to file an individual lawsuit, the
3 corporate defendants would necessarily gain an unconscionable advantage since they would be
4 able to exploit and overwhelm the limited resources of each individual plaintiff with their vastly
5 superior legal and financial resources. Class treatment is also superior because it will obviate the
6 need for unduly duplicative litigation that might result inconsistent or varying adjudications with
7 respect to individual Class members against Defendant.

8 34. Manageability: Although the number of class members is great, believed to be
9 hundreds of consumers, the matter is manageable as a class action and the evidence required to
10 establish liability and prove damages is readily available.

11 35. Without Class certification and determination of declaratory, injunctive, statutory
12 and other legal questions within the class format, prosecution of separate actions by individual
13 members of the Class will create the risk of:

- 14 a. Inconsistent or varying adjudications with respect to individual members of the
15 Class which would establish incompatible standards of conduct for the parties
16 opposing the Class; or
- 17 b. Adjudication with respect to individual members of the Class which would as a
18 practical matter be dispositive of the interests of the other members not party to the
19 adjudication or substantially impair or impede their ability to protect their interests.

20 36. Microsoft has acted or refused to act on the grounds generally applicable to the
21 Class, thereby making final injunctive relief appropriate with respect to the Class.

22 **FIRST CAUSE OF ACTION:**

23 **VIOLATION OF CALIFORNIA CONSUMER LEGAL REMEDIES ACT**

24 **(Cal. Civ. Code § 1750 et seq.)**

25 **(By Plaintiff and the CLRA Subclass Against Defendants)**

26 37. Plaintiff incorporates by reference all paragraphs previously alleged, as if fully set
27 forth herein.

28 38. The Consumers Legal Remedies Act ("CLRA") applies to Defendant's actions and

1 conduct because it extends to transactions that are intended to result, or which have resulted in the
2 sale of goods or services to consumers.

3 39. Plaintiff and the CLRA Subclass members are consumers as defined by the CLRA
4 because they purchased a good, the Surface RT tablet, for personal, family, or household purposes.

5 40. The products described herein, the Surface RT tablets, are “goods” within the
6 meaning of Cal. Civ. Code § 1761(a).

7 41. Defendant is a supplier and/or seller as defined by the CLRA.

8 42. Defendant’s conduct described herein involves consumer transactions as defined by
9 the CLRA.

10 43. Defendant violated California Civil Code section 1770(a)(5) by representing that
11 the Surface RT tablets had characteristics, uses, and benefits that it did not have, including
12 representations that they have either 32GB or 64GB of storage space when that is not, in fact, the
13 case.

14 44. Defendant violated California Civil Code section 1770(a)(9) by advertising the
15 Surface RT tablets as having either 32GB or 64GB or storage capacity with the intent not to sell
16 them as advertised.

17 45. Plaintiff relied on Defendant’s misrepresentations and omissions regarding the
18 Surface RT tablets’ storage capacity in deciding whether to purchase the product.

19 46. At this time, Plaintiff disclaims any claim for damages under the CLRA but,
20 pursuant to California Civil Code § 1780, seeks an order of this Court enjoining Defendants from
21 continuing to engage, use, or employ any act prohibited by California Civil Code § 1770 *et seq.*
22 Plaintiff expressly reserves the right to amend this Complaint to seek damages.

23 **SECOND CAUSE OF ACTION**

24 **FALSE AND MISLEADING ADVERTISING IN VIOLATION OF**
25 **CALIFORNIA BUSINESS AND PROFESSIONS CODE § 17500 *et seq.***

26 **(By Plaintiff and the Class Against Defendants)**

27 47. Plaintiff incorporates by reference all paragraphs previously alleged, as if fully set
28 forth herein.

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1 48. California Business & Professions Code §§ 17500 *et seq.* makes it “unlawful for
2 any person . . . corporation or association, or any employee thereof with intent directly or
3 indirectly to dispose of . . . personal property . . . or anything of any nature whatsoever ... to make
4 or disseminate or cause to be made or disseminated from this state before the public in any state,
5 in any newspaper or other publication, or any advertising device, or by public outcry or
6 proclamation, or in any other manner or means whatsoever, including over the Internet, any
7 statement, concerning that . . . personal property . . . or concerning any circumstance or matter of
8 fact connected with the proposed performance or disposition thereof, which is untrue or
9 misleading, and which is known, or which by the exercise of reasonable case should be known, to
10 be untrue or misleading . . .”

11 49. This cause of action is brought on behalf of Plaintiff individually and on behalf all
12 consumers similarly situated who at any time within the four years preceding the filing of this
13 Complaint purchased a Surface RT tablet after having been exposed to Defendants’ advertising
14 statements set forth herein. Plaintiff has standing to pursue this claim, as he relied on Defendant’s
15 false advertising and has suffered injury in fact and has lost money as a result of Defendants’ false
16 advertising and unfair business practices.

17 50. As alleged above, Defendant has engaged in a systematic campaign of advertising
18 and marketing Surface RT tablets as possessing either 32 GB or 64 GB of storage capacity. In
19 connection with the sale of its Surface RT tablets, Defendant disseminated or caused to be
20 disseminated false, misleading, and deceptive advertising regarding storage capacity to the general
21 public through various forms of media, including but not limited to product packaging, product
22 displays, labeling, advertising and marketing. However, Defendant knew or reasonably should
23 have known that the Surface RT tablets do not possess the advertised storage space.

24 51. Defendant’s actions constitute deceptive advertising within the meaning of
25 California Business and Professions Code §§ 17500, *et seq.*, because its advertising was likely to,
26 and did, deceive Plaintiff and other reasonable consumers.

27 52. As a proximate result of Defendant’s conduct, Plaintiff and members of the Class
28 were exposed to these misrepresentations, omissions and partial disclosures, purchased Surface

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1 RT tablet in reliance on these misrepresentations, omissions and partial disclosures, and suffered
2 monetary loss as a result. They would not have purchased the Surface RT tablets, or would have
3 paid significantly less for them, had they known the truth regarding the actual storage capacity.

4 53. Defendant made such misrepresentations despite the fact that it knew or should
5 have known that the statements were false, misleading, and/or deceptive. Plaintiff and members
6 of the Class are entitled to restitution of such monies in an amount to be established by proof at the
7 time of trial.

8 54. There were reasonably available alternatives to further Defendant's legitimate
9 business interests, other than the conduct described herein.

10 55. On information and belief, Plaintiff alleges that Defendant has failed and refused,
11 and in the future will fail and refuse, to cease its deceptive advertising practices. Plaintiff is
12 informed and believes and thereon alleges that Defendant will continue to do those acts unless this
13 Court orders Defendant to cease and desist pursuant to California Business and Professions Code
14 section 17535.

15 56. Pursuant to Business and Professions Code sections 17203 and 17535, Plaintiff and
16 the members of the Classes seek an order of this Court enjoining Defendant from continuing to
17 engage, use, or employ the above-described practices in advertising the sale of Surface RT tablets.
18 Likewise, Plaintiff and the members of the Classes seek an order requiring Defendant to make full
19 corrective disclosures to correct its prior misrepresentations, omissions, failures to disclose, and
20 partial disclosures.

21 57. Additionally, Plaintiff requests an order awarding Plaintiff and the Class members
22 restitution of the money wrongfully acquired by Defendant in connection with the false and
23 misleading advertising described above.

24 **THIRD CAUSE OF ACTION**

25 **UNFAIR BUSINESS PRACTICES IN VIOLATION OF**
26 **CALIFORNIA BUSINESS & PROFESSIONS CODE § 17200, et seq.**

27 58. Plaintiff incorporates by reference all paragraphs previously alleged, as if fully set
28 forth herein.

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1 59. California Business & Professions Code § 17200 provides that “unfair competition
2 shall mean and include any unlawful, unfair or fraudulent business act or practice.” Plaintiff has
3 standing to pursue this claim because he relied on Defendant’s misrepresentations and omissions,
4 suffered injury in fact and has lost money or property as a result of Defendant’s unfair business
5 practices.

6 60. As alleged above, Defendant has engaged in a systematic campaign of selling,
7 distributing, advertising, and marketing Surface RT tablets as possessing either 32 GB or 64 GB of
8 storage capacity.

9 61. Defendant systematically conceals, omits and fails to disclose that approximately
10 16 GB of the advertised storage capacity of its Surface RT tablets is actually consumed by the
11 Windows RT operating system and is therefore inaccessible and unavailable to the purchaser for
12 storing files.

13 62. Defendant knew, or should have known, that its misrepresentations, omissions,
14 failure to disclosure and/or partial disclosures omit material facts and are likely to deceive a
15 reasonable consumer.

16 63. Defendant continued to make such misrepresentations despite the fact it knew or
17 should have known that its conduct was misleading and deceptive.

18 64. Plaintiff relied on Defendant’s misrepresentations, omissions, failures to disclose
19 and/or partial disclosures in deciding whether to purchase his Surface RT tablet.

20 65. As a proximate result of Defendant’s conduct, Plaintiff and members of the Class
21 were exposed to these misrepresentations and omissions, purchased a Surface RT tablet in reliance
22 on these misrepresentations, and suffered monetary loss as a result. They would not have
23 purchased said products, or would have paid significantly less for them, had they known the truth
24 regarding their actual storage capacity.

25 66. Defendant made such misrepresentations and omissions despite the fact that they
26 knew or should have known that the statements were false, misleading, and/or deceptive.

27 67. Defendant’s business practices are fraudulent and/or deceptive within the meaning
28 of Business and Professions Code §§ 17200, *et seq.* because Defendant’s advertising, marketing,

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1 product packaging, labeling, and product displays deceptively represent the Surface RT tablets'
2 storage capacity and fails to disclose that 16 GB of storage space is consumed by the Windows RT
3 operating system. As a result, Defendant's misrepresentations and omissions are likely to deceive
4 reasonable consumers and members of the public regarding the Surface RT tablets' storage
5 capacity.

6 68. Defendant's business practices, as alleged herein, are unfair and misleading within
7 the meaning of Business and Professions Code §§ 17200 *et seq.* because the harm caused to the
8 public as a result of such practices far outweighs any benefit conferred.

9 69. Defendant's business practices, as alleged herein, are unlawful within the meaning
10 of Business and Professions Code §§ 17200 *et seq.* because they constitute violations of Business
11 and Professions Code §§ 17500, *et seq.* and California Civil Code § 1750 *et seq.* ("Consumer
12 Legal Remedies Act"), as alleged above.

13 70. As a direct and proximate result of Defendant's unlawful and fraudulent acts,
14 Plaintiff and Class members have suffered injury in fact and lost money.

15 71. Defendant continues to engage in the above-described deceptive acts and/or
16 practices. Defendant's unlawful, unfair and fraudulent business practices as alleged above present
17 a continuing threat to Plaintiff, the Class, and members of the public.

18 72. There were reasonably available alternatives to further Defendant's legitimate
19 business interests, other than the conduct described herein.

20 73. Plaintiff is informed and believes and thereon alleges that Defendant has failed and
21 refused, and in the future will fail and refuse, to cease unfair, fraudulent, or deceptive practices.
22 Plaintiff is informed and believes and thereon alleges that Defendant will continue to do those acts
23 unless this Court orders Defendants to cease and desist pursuant to California Business and
24 Professions Code section 17203.

25 74. Pursuant to Business & Professions Code §§ 17203 and 17535, Plaintiff and the
26 members of the Class seek an order of this Court enjoining Defendant from continuing to engage,
27 use, or employ the above-described practices in connection with advertising the sale of the Surface
28 RT tablets. Likewise, Plaintiff and the members of the Classes seek an order requiring Defendant

1 to make full corrective disclosures to correct its prior misrepresentations, omissions, failures to
2 disclose, and partial disclosures

3 75. Additionally, Plaintiff requests an order awarding Plaintiff and the Class members
4 restitution of the money wrongfully acquired by Defendant in connection with the false and
5 misleading advertising described above.

6 **PRAYER FOR RELIEF**

7 WHEREFORE, Plaintiff and members of the Class pray for judgment as follows:

8 1. For an Order certifying this action as a class action, appointing Andrew Sokolowski
9 as class representative, appointing his counsel as class counsel, and directing that reasonable
10 notice of this action be given to members of the Class;

11 2. For an Order finding and declaring Defendant's acts and practices as challenged
12 herein unlawful, unfair, deceptive and/or fraudulent in violation of Cal. Bus. & Prof. Code §§
13 17200 *et seq.*, 17500 *et seq.* and Cal. Civ. Code §§ 1750 *et seq.*

14 3. For an Order enjoining Defendant from engaging in the practices complained of
15 and alleged herein;

16 4. For an Order requiring Defendants to make restitution of all revenues, earnings,
17 compensation and benefits obtained as a result of Defendant's wrongful conduct;

18 5. For prejudgment interest to the extent permitted by law;

19 6. For an award of attorneys' fees, costs, and expenses incurred in the investigation,
20 filing, and prosecution of this action to the extent permitted by law; and

21 7. For any other injunctive or declaratory relief as is necessary to protect the interests
22 of Plaintiff and the Class;

23 8. For any other relief the Court deems just and proper.

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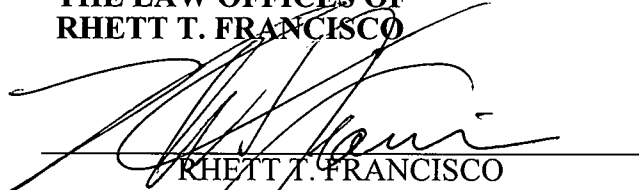
11/13/2012

DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial in the above-captioned matter on all issues so triable.

DATED: November 13, 2012

**THE LAW OFFICES OF
RHETT T. FRANCISCO**



RHETT T. FRANCISCO

5350 Topanga Canyon Boulevard
Woodland Hills, California 91364
Phone: (818) 319-9879

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PLAINTIFF'S AFFIDAVIT OF VENUE
UNDER CALIFORNIA CIVIL CODE SECTION 1780(c)

I, Andrew J. Sokolowski, declare:

1. I am the plaintiff in the above-captioned action, I have personal knowledge of the facts set forth herein and, if called as a witness, I could and would testify competently thereto.

2. I am a resident of Los Angeles County, California.

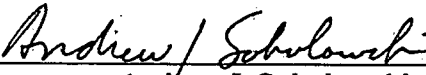
3. I viewed Defendant's advertisements, promotional materials, packaging and product displays for the Surface RT tablet computer within Los Angeles County, California.

4. I purchased the Surface RT tablet computer discussed in the Complaint from a Microsoft Store located at the Westfield Century City Mall, which is located in Los Angeles County, California.

5. I therefore believe that Los Angeles County is the correct venue for this action.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 12th day of November 2012 at Torrance, California.



Andrew J. Sokolowski

11/13/2012

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State, number, and address):
The Law Offices of Rhett T. Francisco, Rhett T. Francisco (SBN 232749);
5350 Topanga Canyon Boulevard
Woodland Hills, California 91364

FOR COURT USE ONLY

TELEPHONE NO.: 818-319-9879 FAX NO.:

ATTORNEY FOR (Name): Andrew Sokolowski

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles
STREET ADDRESS: 111 North Hill Street
MAILING ADDRESS:
CITY AND ZIP CODE: Los Angeles, CA 90012
BRANCH NAME: Central District, Stanley Mosk Courthouse

FILED
LOS ANGELES SUPERIOR COURT

NOV 13 2012

JOHN A. CLARKE, CLERK

BY MARY FLORES, DEPUTY

CASE NUMBER:

BC 49 5538

JUDGE:

DEPT:

CASE NAME:
SOKOLOWSKI v. MICROSOFT CORPORATION

CIVIL CASE COVER SHEET

Unlimited (Amount demanded exceeds \$25,000) **Limited** (Amount demanded is \$25,000 or less)

Complex Case Designation

Counter **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

Auto (22)
 Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
 Product liability (24)
 Medical malpractice (45)
 Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort

Business tort/unfair business practice (07)
 Civil rights (08)
 Defamation (13)
 Fraud (16)
 Intellectual property (19)
 Professional negligence (25)
 Other non-PI/PD/WD tort (35)

Employment

Wrongful termination (36)
 Other employment (15)

Contract

Breach of contract/warranty (06)
 Rule 3.740 collections (09)
 Other collections (09)
 Insurance coverage (18)
 Other contract (37)

Real Property

Eminent domain/Inverse condemnation (14)
 Wrongful eviction (33)
 Other real property (26)

Unlawful Detainer

Commercial (31)
 Residential (32)
 Drugs (38)

Judicial Review

Asset forfeiture (05)
 Petition re: arbitration award (11)
 Writ of mandate (02)
 Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)

Antitrust/Trade regulation (03)
 Construction defect (10)
 Mass tort (40)
 Securities litigation (28)
 Environmental/Toxic tort (30)
 Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

Enforcement of judgment (20)

Miscellaneous Civil Complaint

RICO (27)
 Other complaint (not specified above) (42)

Miscellaneous Civil Petition

Partnership and corporate governance (21)
 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. Large number of separately represented parties
- b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
- c. Substantial amount of documentary evidence
- d. Large number of witnesses
- e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
- f. 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): 3

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: November 12, 2012
Rhett T. Francisco

(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.

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

- Auto (22)—Personal Injury/Property Damage/Wrongful Death
- Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- Asbestos (04)
 - Asbestos Property Damage
 - Asbestos Personal Injury/Wrongful Death
- Product Liability (*not asbestos or toxic/environmental*) (24)
- Medical Malpractice (45)
 - Medical Malpractice—Physicians & Surgeons
 - Other Professional Health Care Malpractice
- Other PI/PD/WD (23)
 - Premises Liability (e.g., slip and fall)
 - Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
 - Intentional Infliction of Emotional Distress
 - Negligent Infliction of Emotional Distress

Non-PI/PD/WD (Other) Tort

- Business Tort/Unfair Business Practice (07)
- Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
- Defamation (e.g., slander, libel) (13)
- Fraud (16)
- Intellectual Property (19)
- Professional Negligence (25)
 - Legal Malpractice
 - Other Professional Malpractice (*not medical or legal*)
- Other Non-PI/PD/WD Tort (35)

Employment

- Wrongful Termination (36)
- Other Employment (15)

Contract

- Breach of Contract/Warranty (06)
- Breach of Rental/Lease
 - Contract (*not unlawful detainer or wrongful eviction*)
- Contract/Warranty Breach—Seller
 - Plaintiff (*not fraud or negligence*)
- Negligent Breach of Contract/Warranty
- Other Breach of Contract/Warranty
- Collections (e.g., money owed, open book accounts) (09)
- Collection Case—Seller Plaintiff
- Other Promissory Note/Collections Case
- Insurance Coverage (*not provisionally complex*) (18)
 - Auto Subrogation
 - Other Coverage
- Other Contract (37)
 - Contractual Fraud
 - Other Contract Dispute

Real Property

- Eminent Domain/Inverse Condemnation (14)
- Wrongful Eviction (33)
- Other Real Property (e.g., quiet title) (26)
 - Writ of Possession of Real Property
 - Mortgage Foreclosure
 - Quiet Title
 - Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

- Commercial (31)
- Residential (32)
- Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

- Asset Forfeiture (05)
- Petition Re: Arbitration Award (11)
- Writ of Mandate (02)
 - Writ—Administrative Mandamus
 - Writ—Mandamus on Limited Court Case Matter
 - Writ—Other Limited Court Case Review
- Other Judicial Review (39)
 - Review of Health Officer Order
 - Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

- Antitrust/Trade Regulation (03)
- Construction Defect (10)
- Claims Involving Mass Tort (40)
- Securities Litigation (28)
- Environmental/Toxic Tort (30)
- Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

- Enforcement of Judgment (20)
 - Abstract of Judgment (Out of County)
 - Confession of Judgment (*non-domestic relations*)
 - Sister State Judgment
 - Administrative Agency Award (*not unpaid taxes*)
 - Petition/Certification of Entry of Judgment on Unpaid Taxes
 - Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

- RICO (27)
- Other Complaint (*not specified above*) (42)
- Declaratory Relief Only
- Injunctive Relief Only (*non-harassment*)
- Mechanics Lien
- Other Commercial Complaint Case (*non-tort/non-complex*)
- Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

- Partnership and Corporate Governance (21)
- Other Petition (*not specified above*) (43)
 - Civil Harassment
 - Workplace Violence
 - Elder/Dependent Adult Abuse
 - Election Contest
 - Petition for Name Change
 - Petition for Relief From Late Claim
 - Other Civil Petition

SHORT TITLE:
SOKOLOWSKI v. MICROSOFT CORPORATION

CASE NUMBER
BC 49 5538

**CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to LASC Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? YES CLASS ACTION? YES LIMITED CASE? YES TIME ESTIMATED FOR TRIAL ¹⁴ HOURS/ DAYS

Item II. Select the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet Form, find the main civil case cover sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

Step 3: In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Los Angeles Superior Court Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

- | | |
|---|--|
| 1. Class Actions must be filed in the County Courthouse, Central District. | 6. Location of property or permanently garaged vehicle. |
| 2. May be filed in Central (Other county, or no Bodily Injury/Property Damage). | 7. Location where petitioner resides. |
| 3. Location where cause of action arose. | 8. Location wherein defendant/respondent functions wholly. |
| 4. Location where bodily injury, death or damage occurred. | 9. Location where one or more of the parties reside. |
| 5. Location where performance required or defendant resides. | 10. Location of Labor Commissioner Office. |

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

| | A Civil Case Cover Sheet Category No. | B Type of Action (Check only one) | C Applicable Reasons - See Step 3 Above |
|--|--|---|--|
| Auto Tort | Auto (22) | <input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death | 1., 2., 4. |
| | Uninsured Motorist (46) | <input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist | 1., 2., 4. |
| Other Personal Injury/Property Damage/Wrongful Death Tort | Asbestos (04) | <input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death | 2. 2. |
| | Product Liability (24) | <input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental) | 1., 2., 3., 4., 8. |
| | Medical Malpractice (45) | <input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice | 1., 2., 4. 1., 2., 4. |
| | Other Personal Injury Property Damage Wrongful Death (23) | <input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death | 1., 2., 4. 1., 2., 4. 1., 2., 3. 1., 2., 4. |
| Non-Personal Injury/Property Damage/Wrongful Death Tort | Business Tort (07) | <input checked="" type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract) | 1, 2, 3. |
| | Civil Rights (08) | <input type="checkbox"/> A6005 Civil Rights/Discrimination | 1., 2., 3. |
| | Defamation (13) | <input type="checkbox"/> A6010 Defamation (slander/libel) | 1., 2., 3. |
| | Fraud (16) | <input type="checkbox"/> A6013 Fraud (no contract) | 1., 2., 3. |

| | |
|---|-------------|
| SHORT TITLE: SOKOLOWSKI v. MICROSOFT CORPORATION | CASE NUMBER |
|---|-------------|

| A Civil Case Cover Sheet Category No. | B Type of Action (Check only one) | C Applicable Reasons -See Step 3 Above |
|--|---|--|
| Professional Negligence (25) | <input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal) | 1., 2., 3. 1., 2., 3. |
| Other (35) | <input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort | 2.,3. |
| Wrongful Termination (36) | <input type="checkbox"/> A6037 Wrongful Termination | 1., 2., 3. |
| Other Employment (15) | <input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals | 1., 2., 3. 10. |
| Breach of Contract/Warranty (06) (not insurance) | <input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not Unlawful Detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence) | 2., 5. 2., 5. 1., 2., 5. 1., 2., 5. |
| Collections (09) | <input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case | 2., 5., 6. 2., 5. |
| Insurance Coverage (18) | <input type="checkbox"/> A6015 Insurance Coverage (not complex) | 1., 2., 5., 8. |
| Other Contract (37) | <input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence) | 1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8. |
| Eminent Domain/Inverse Condemnation (14) | <input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____ | 2. |
| Wrongful Eviction (33) | <input type="checkbox"/> A6023 Wrongful Eviction Case | 2., 6. |
| Other Real Property (26) | <input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure) | 2., 6. 2., 6. 2., 6. |
| Unlawful Detainer-Commercial (31) | <input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction) | 2., 6. |
| Unlawful Detainer-Residential (32) | <input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction) | 2., 6. |
| Unlawful Detainer-Drugs (38) | <input type="checkbox"/> A6022 Unlawful Detainer-Drugs | 2., 6. |
| Asset Forfeiture (05) | <input type="checkbox"/> A6108 Asset Forfeiture Case | 2., 6. |
| Petition re Arbitration (11) | <input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration | 2., 5. |

SHORT TITLE:
SOKOLOWSKI v. MICROSOFT CORPORATION

CASE NUMBER

Judicial Review (Cont'd.)

Provisionally Complex Litigation

Enforcement of Judgment

Miscellaneous Civil Complaints

Miscellaneous Civil Petitions

| A Civil Case Cover Sheet Category No. | B Type of Action (Check only one) | C Applicable Reasons - See Step 3 Above |
|--|--|--|
| Writ of Mandate (02) | <input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review | 2., 8. 2. 2. |
| Other Judicial Review (39) | <input type="checkbox"/> A6150 Other Writ /Judicial Review | 2., 8. |
| Antitrust/Trade Regulation (03) | <input type="checkbox"/> A6003 Antitrust/Trade Regulation | 1., 2., 8. |
| Construction Defect (10) | <input type="checkbox"/> A6007 Construction defect | 1., 2., 3. |
| Claims Involving Mass Tort (40) | <input type="checkbox"/> A6006 Claims Involving Mass Tort | 1., 2., 8. |
| Securities Litigation (28) | <input type="checkbox"/> A6035 Securities Litigation Case | 1., 2., 8. |
| Toxic Tort Environmental (30) | <input type="checkbox"/> A6036 Toxic Tort/Environmental | 1., 2., 3., 8. |
| Insurance Coverage Claims from Complex Case (41) | <input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only) | 1., 2., 5., 8. |
| Enforcement of Judgment (20) | <input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case | 2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9. |
| RICO (27) | <input type="checkbox"/> A6033 Racketeering (RICO) Case | 1., 2., 8. |
| Other Complaints (Not Specified Above) (42) | <input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex) | 1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8. |
| Partnership Corporation Governance(21) | <input type="checkbox"/> A6113 Partnership and Corporate Governance Case | 2., 8. |
| Other Petitions (Not Specified Above) (43) | <input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition | 2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9. |

SHORT TITLE:
SOKOLOWSKI v. MICROSOFT CORPORATION

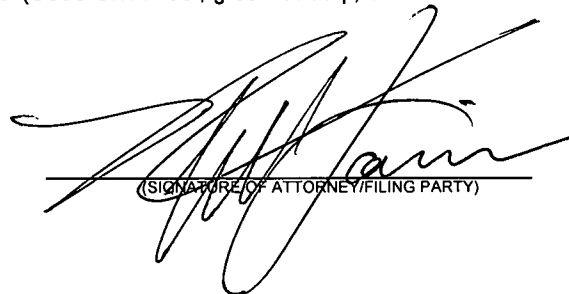
CASE NUMBER

Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

| | | | |
|---|--------------|--------------------|---|
| REASON: CHECK THE NUMBER UNDER COLUMN C WHICH APPLIES IN THIS CASE | | | ADDRESS: Westfield Century City Mall 10250 Santa Monica Blvd. |
| <input checked="" type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10. | | | |
| CITY: Los Angeles | STATE: CA | ZIP CODE: 90067 | |

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Los Angeles Superior Court (Code Civ. Proc., § 392 et seq., and LASC Local Rule 2.0, subds. (b), (c) and (d)).

Dated: November 12, 2012



(SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet form CM-010.
4. Complete Addendum to Civil Case Cover Sheet form LACIV 109 (Rev. 01/07), LASC Approved 03-04.
5. Payment in full of the filing fee, unless fees have been waived.
6. Signed order appointing the Guardian ad Litem, JC form FL-935, if the plaintiff or petitioner is a minor under 18 years of age, or if required by Court.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.