

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

GOLDMAN, SACHS & CO.,

Plaintiff,

—against—

GOOGLE, INC.,

Defendant.

Index No.

To: Google, Inc.
75 Ninth Avenue
New York, New York 10011

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer on the plaintiff's attorney within 20 days after service of this summons, exclusive of the day of service (or within 30 days after service is complete if this summons is not personally delivered to you within the State of New York); and in the case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis for venue is CPLR 503.

Date: New York, New York
June 27, 2014

By: 

Hillary Richard
Charles Michael
BRUNE & RICHARD LLP
One Battery Park Plaza
New York, New York 10004
Tel: (212) 668-1900
Fax: (212) 668-0315

*Counsel for plaintiff
Goldman, Sachs & Co.*

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COMPLAINT

Goldman, Sachs & Co. (“Goldman Sachs”) through its attorneys Brune & Richard LLP alleges as follows:

NATURE OF ACTION

1. This action seeks a judicial order requiring the defendant, Google, Inc. (“Google”), to protect highly confidential client information that an outside consultant for Goldman Sachs mistakenly sent to a “gmail” email address associated with an unknown email account holder.

JURISDICTION AND VENUE

2. The Court has jurisdiction over Google under CPLR 302. Google has offices and a substantial presence in New York, and the underlying facts relate to potential harms to clients of Goldman Sachs, a New York resident.

3. Venue is proper under CPLR § 503(a) because Goldman Sachs is a resident of New York County.

THE PARTIES

4. Goldman Sachs is a New York limited partnership headquartered in New York. It is a broker-dealer registered with the Securities and Exchange Commission and the Financial Industry Regulatory Authority (“FINRA”) and an indirect wholly-owned subsidiary of The Goldman Sachs Group, Inc., a publicly-traded bank holding company and global financial services firm.

5. Defendant Google is a global technology firm headquartered in Mountain View, California. Among Google’s businesses is the popular email service, gmail. Google is a Delaware corporation with a substantial office in New York, New York.

STATEMENT OF FACTS

6. FINRA requires certain member firms, including Goldman Sachs, to periodically generate certain reports relating to their clients’ investments. One step in the process of preparing one of the FINRA reports is for Goldman Sachs’s technology and operations areas to send data that will be used to prepare the report, including certain client information, to its compliance department for validation. Goldman Sachs hired an outside technology consulting firm to assist with this process.

7. On June 23, 2014, an employee of the consulting firm was testing changes to Goldman Sachs’s internal reporting and validation process. The employee intended to send a copy of the internal report to the email address provided to her by Goldman Sachs, which is in the form “[first name].[last name]@gs.com,” but instead mistakenly sent a copy of the internal report to an address in the form “[first name].[last name]@gmail.com.” She is not the owner of the gmail address.

8. The mistakenly sent email contains certain account and client related information (the “Confidential Client Information”). Goldman Sachs’s clients have a right to maintain the

confidentiality of the Confidential Client Information. Furthermore, Goldman Sachs has an obligation to protect the privacy of its customers' confidential information.

9. Goldman Sachs has made efforts to retrieve, have deleted or otherwise protect the mistakenly sent Confidential Client Information. As part of those efforts, on June 26, 2014, Goldman Sachs sent an email to the gmail address to which the information was mistakenly sent requesting that it be promptly deleted and that the recipient confirm in writing that s/he had done so. There has been no response.

10. Further, on June 26, 2014, Goldman Sachs spoke with an employee on Google's "Incident Response Team," who reported that the email could not be deleted without legal process — i.e., a court order.

11. Absent an immediate injunction to ensure that the mistakenly sent email is not accessed in any way, Goldman Sachs's clients face the risk of an invasion of privacy and disclosure of sensitive, confidential information about themselves and their accounts. Further, Goldman Sachs faces the risk of unnecessary reputational harm if it cannot reassure its clients that their privacy is being properly safeguarded.

COUNT I
(REPLEVIN)

12. Goldman Sachs incorporates the allegations above.

13. Upon information and belief, Google has the possession of the mistakenly sent email and the ability to retrieve it for its right owner, Goldman Sachs, or to delete it.

14. Goldman Sachs has made a demand for the return of the email, but that demand was refused.

COUNT II
(DECLARATORY JUDGMENT)

15. Goldman Sachs incorporates the allegations above.

16. Goldman Sachs's clients have a legal right to protect the Confidential Client Information from public disclosure. Google is unwilling to assist in protecting that information, at least absent a court order.

17. There is therefore a dispute between the parties for which declaratory relief is appropriate.

COUNT III
(INJUNCTIVE RELIEF)

18. Goldman Sachs incorporates the allegations above

19. Injunctive relief is warranted because Goldman Sachs has adequate remedy at law to prevent disclosure or misuse of the Confidential Client Information.

20. Goldman Sachs is likely to prevail on the merits of its claims, and absent immediate injunctive relief, it will face immediate and irreparable harm.

21. In determining whether injunctive relief is appropriate here, the balance of equities tips decidedly in favor of Goldman Sachs.

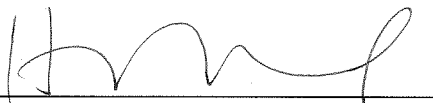
PRAYER FOR RELIEF

WHEREFORE, Goldman Sachs hereby demands relief against Google as follows:

- (a) a judicial declaration and order that Google is required to assist Goldman Sachs in protecting the improper or unlawful distribution of the Confidential Client Information, including by providing detailed information about whether, when and/or to whom the Confidential Client Information was accessed, and taking all other reasonable steps to the ensure that the Confidential Client Information is not accessed, used or distributed;

- (b) a temporary restraining order, preliminary injunction, and permanent injunction ordering Google to delete the inadvertently sent email and to disclose to Goldman Sachs detailed information concerning whether, when and/or to whom it was accessed; and
- (c) such other and further relief as the Court may deem appropriate.

Date: New York, New York
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