

In Re Google Inc., Gmail Litigation  
Master Docket No.: 13-MD-02430-LHK

## **EXHIBIT 1**

FILED

AUG 14 2013

KIM TURNER, Court Executive Officer  
MARIN COUNTY SUPERIOR COURT  
By: R. Smith, Deputy

SUPERIOR COURT OF CALIFORNIA

COUNTY OF MARIN

STUART DIAMOND, ESQ., individually and  
on behalf of a similarly situated Class,

Plaintiffs,

v.

GOOGLE, INC.,

Defendant.

Case No. CIV-1202715

**[PROPOSED] ORDER OVERRULING  
DEFENDANT GOOGLE, INC.'S  
DEMURRER TO PLAINTIFF'S FIRST  
AMENDED INDIVIDUAL AND CLASS  
ACTION COMPLAINT FOR  
INJUNCTIVE RELIEF AND  
STATUTORY DAMAGES**

Date: July 17, 2013

Time: 8:30 a.m.

Dept: Hon. Roy O. Chernus

Defendant Google, Inc.'s Demurrer to Plaintiff's First Amended Complaint came on regularly for hearing on July 17, 2013 at 8:30 a.m., in Dept. B of this Court, the Hon. Roy O. Chernus, Presiding. Whitty Somvichian appeared for moving party Google, Inc. Kirk J. Wolden, Sean Rommel, F. Jerome Tapley, and Charles Litchfield appeared for Plaintiff. The matter was argued and submitted. Based upon the Plaintiff's First Amended Complaint, the papers submitted in support and in opposition to Google's demurrer thereto, and the arguments of counsel, the Court

ORDERS:

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1 Google's Demurrer to the First Amended Complaint is overruled. Plaintiff's amended  
2 allegations are sufficient to state a cause of action under Penal Code §631 or Penal Code §632.  
3 Defendant Google, Inc. shall answer the First Amended Complaint within twenty (20) days of the  
4 date of entry of this Order.

5 Dated: 8/14/13

  
HON. ROY O. CHERNUS