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KING COUNTY

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CASE NUMBER: 18-2-14130-3 SEA

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**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR KING COUNTY**

STATE OF WASHINGTON,

Plaintiff,

v.

GOOGLE, INC.,

Defendant.

CASE NO.: 18-2-14130-3 SEA

**DEFENDANT GOOGLE LLC'S
ANSWER TO COMPLAINT**

ANSWER

I. INTRODUCTION

Defendant Google LLC (“Google,” identified in the Complaint by its former name, Google Inc.), by and through its undersigned counsel, hereby answers the Complaint of Plaintiff the State of Washington (the “State”) dated June 4, 2018. To the extent not explicitly admitted, Google denies all allegations contained in the Complaint.

II. PARTIES

2.1 Google admits that Plaintiff is the State of Washington and that, acting through the Washington State Attorney General, the State has the power to enforce the state campaign finance disclosure laws contained in RCW 42.17A. Except as specifically admitted, Google denies the remaining allegations of Paragraph 2.1 of the Complaint.

1 4.4 Paragraph 4.4 purports to state legal conclusions as to which no response is
2 required. Google respectfully refers the Court to the statute, which speaks for itself.

3 4.5 Paragraph 4.5 purports to state legal conclusions as to which no response is
4 required. Google respectfully refers the Court to the statute, which speaks for itself.

5 4.6 Paragraph 4.6 purports to state legal conclusions as to which no response is
6 required. Google respectfully refers the Court to the statute, which speaks for itself.

7 4.7 Paragraph 4.7 purports to state legal conclusions as to which no response is
8 required. Though no response is required, Google denies the allegations of Paragraph 4.7 of
9 the Complaint.

10 4.8 Google lacks sufficient knowledge or information to form a belief as to the truth
11 of the allegations of Paragraph 4.8 of the Complaint and, on that basis, denies them.

12 4.9 Google lacks sufficient knowledge or information to form a belief as to the truth
13 of the allegations of Paragraph 4.9 of the Complaint and, on that basis, denies them.

14 4.10 Google denies the allegations of Paragraph 4.10 of the Complaint.

15 4.11 Google denies the allegations of Paragraph 4.11 of the Complaint.

16 4.12 Google denies the allegations of Paragraph 4.12 of the Complaint.

17 4.13 The allegations of Paragraph 4.13 are vague. Google denies that it accepted
18 “political advertising” as defined under RCW 42.17A.005 as alleged in the Complaint and, on
19 that basis, denies the remaining allegations of Paragraph 4.13 of the Complaint.

20 4.14 Google denies that it accepted “political advertising” as defined under RCW
21 42.17A.005 as alleged in the Complaint. Google admits that, on or around December 1, 2017,
22 Eli Sanders hand-delivered a letter to a Google office in Seattle in which he demanded
23 information from Google concerning “political advertising.” Google refers the Court to the
24 December 1, 2017 letter for its true and complete contents. Google further admits that it did
25 not make the information sought in his letter available to Mr. Sanders at the time he visited
26

1 Google's office. Except as specifically admitted, Google denies the remaining allegations of
2 Paragraph 4.14 of the Complaint.

3 4.15 Google admits that, on or around December 1, 2017, Google received an email
4 directed to press@google.com from an individual identifying himself as Mr. Sanders. Google
5 refers the Court to this email message, the contents of which speak for themselves. Except as
6 specifically admitted, Google denies the remaining allegations of Paragraph 4.15 of the
7 Complaint.

8 4.16 Google admits that it did not make information demanded in his letter available
9 to Mr. Sanders at the time he visited Google's office. Except as specifically admitted, Google
10 denies the remaining allegations of Paragraph 4.16 of the Complaint.

11 4.17 Google admits that, on or about May 15, 2018, it sent a letter to the Washington
12 State Attorney General's Office which stated, in part, that "[w]ith respect to the identity of the
13 advertiser, Google's information reflects that supplied by those using its service, though you
14 may be able to draw additional conclusions from the ads themselves." Google respectfully
15 refers the Court to the May 15, 2018 letter for its true and complete contents. Except as
16 specifically admitted, Google denies the remaining allegations of Paragraph 4.17 of the
17 Complaint.

18 4.18 Google admits that, on or around April 8, 2018, it was contacted by an
19 individual who identified himself as Conner Edwards and who requested an appointment on
20 April 12, 2018 to inspect information that he believed was related to political advertising.
21 Google further admits that Mr. Edwards cited RCW 42.17A.345 as a purported basis of his
22 request. Google further admits that it acknowledged receiving Mr. Edwards' email on or
23 around April 12, 2018 and said it would respond shortly. Google refers the Court to these
24 written communications for their true and complete contents. Except as specifically admitted,
25 Google denies the remaining allegations of Paragraph 4.18 of the Complaint.

1 4.19 Google lacks sufficient knowledge or information to form a belief as to the truth
2 of the allegations of Paragraph 4.19 of the Complaint and, on that basis, denies them.

3 4.20 Google admits that, on or around April 12, 2018, an individual who identified
4 himself as Mr. Edwards visited a Google office in Seattle. Google further admits that it did not
5 make information regarding “political advertising” available to Mr. Edwards that day. Except
6 as specifically admitted, Google denies the remaining allegations of Paragraph 4.20 of the
7 Complaint.

8 4.21 Google lacks sufficient knowledge or information to form a belief as to the
9 contents of reports filed with the Public Disclosure Commission by individual candidates or
10 political committees and, on that basis, denies the allegations of Paragraph 4.21 of the
11 Complaint.

12 4.22 Google lacks sufficient knowledge or information to form a belief as to the
13 contents of reports filed with the Public Disclosure Commission and, on that basis, denies the
14 allegations of Paragraph 4.22 of the Complaint.

15 4.23 Google lacks sufficient knowledge or information to form a belief as to the
16 contents of reports filed with the Public Disclosure Commission and, on that basis, denies the
17 allegations of Paragraph 4.23 of the Complaint.

18 4.24 Google lacks sufficient knowledge or information to form a belief as to the
19 contents of reports filed with the Public Disclosure Commission and, on that basis, denies the
20 allegations of Paragraph 4.24 of the Complaint.

21 4.25 Google lacks sufficient knowledge or information to form a belief as to the
22 contents of reports filed with the Public Disclosure Commission and, on that basis, denies the
23 allegations of Paragraph 4.25 of the Complaint.

24 4.26 Google lacks sufficient knowledge or information to form a belief as to the
25 contents of reports filed with the Public Disclosure Commission and, on that basis, denies the
26 allegations of Paragraph 4.26 of the Complaint.

1 RCW 42.17A.005 at any time prior to the filing of the Complaint, which terms were only
2 recently amended on June 7, 2018 to apply to “digital communication[s].”

3 **Second Defense (Communications Decency Act)**

4 The State’s claims are barred in whole or in part because they seek to treat Google as
5 the publisher or speaker of information provided by another information content provider, in
6 violation of the federal Communications Decency Act, 47 U.S.C. § 230 *et. seq.*

7 **Third Defense (Violation of Commerce Clause)**

8 The State’s claims are barred in whole or in part because all or part of RCW 42.17A
9 unduly burdens interstate commerce, in violation of Article I, Section 8, Clause 3 of the United
10 States Constitution.

11 **Fourth Defense (Violation of Due Process Clause)**

12 The State’s claims are barred in whole or in part because all or part of RCW 42.17A is
13 and was unconstitutionally vague, in violation of the Fourteenth Amendment of the United
14 States Constitution and/or Article I, Section Three of the Washington State Constitution.

15 **Fifth Defense (Excessive Fines)**

16 The State’s claims are barred in whole or in part to the extent the State seeks to impose
17 excessive fines in violation of the Eighth Amendment of the United States Constitution and/or
18 Article I, Section Fourteen of the Washington State Constitution.

19 **Sixth Defense (Additional Defenses)**

20 This action and any relief sought by the State may be barred in whole or in part by
21 additional defenses that cannot now be articulated because of the generality of the State’s
22 pleading and the fact that no discovery has been taken. Accordingly, Google reserves the right
23 to supplement the foregoing and to raise additional defenses as may appear during the progress
24 of this case to the full extent allowed under applicable law.

1 **PRAYER FOR RELIEF**

2 WHEREFORE, Google requests judgment in its favor and against the State as follows:

3 a. Ordering that the State’s claims be dismissed in their entirety with prejudice,
4 that judgment be entered in favor of Google and against the State, and that the State be denied
5 all relief requested in its claims;

6 b. Awarding Google its reasonable attorneys’ fees, costs, and expenses in this
7 action; and

8 c. Granting such further relief as the Court deems just and proper.

9
10 Dated: October 12, 2018

s/ Stephanie L. Jensen
Stephanie L. Jensen, WSBA #42042
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Email: sjensen@wsgr.com

Counsel for Defendant Google LLC

1 **CERTIFICATE OF SERVICE**

2 I, Stephanie L. Jensen, certify under penalty of perjury under the laws of the State of
3 Washington that, on the date stated below, I caused to be mailed by regular U.S. Mail a true
4 copy of the foregoing in the above-entitled matter to Linda A. Dalton, Senior Assistant
5 Attorney General, at the following address: P.O. Box 40100, Olympia, Washington 98504-
6 0100.

7
8 Dated: October 12, 2018

s/ Stephanie L. Jensen

Signature

9
10 Stephanie L. Jensen

Print or Type Name

11
12 Seattle, Washington

Place Signed