

BLOOD HURST & O'REARDON, LLP

BLOOD HURST & O'REARDON, LLP
TIMOTHY G. BLOOD (149343)
THOMAS J. O'REARDON II (247952)
501 West Broadway, Suite 1490
San Diego, CA 92101
Tel: 619/338-1100
619/338-1101 (fax)
tblood@bholaw.com
toreardon@bholaw.com

BARNOW AND ASSOCIATES, P.C.
BEN BARNOW
ERICH P. SCHORK
JEFFREY D. BLAKE
ANTHONY L. PARKHILL
One N. LaSalle Street, Ste. 4600
Chicago, IL 60602
Tel: 312/621-2000
312/641-5504 (fax)
b.barnow@barnowlaw.com
e.schork@barnowlaw.com
j.blake@barnowlaw.com
aparkhill@barnowlaw.com

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

BRADLEY WEST, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

INTEL CORPORATION, a Delaware
corporation,

Defendant.

Case No.

CLASS ACTION COMPLAINT

CLASS ACTION

District Judge
Courtroom
Magistrate Judge
Courtroom

JURY TRIAL DEMANDED

1 Bradley West (“Plaintiff”), individually and on behalf of all others similarly situated,
2 upon personal knowledge of facts pertaining to him and on information and belief as to all
3 other matters, by and through undersigned counsel, brings this class action complaint against
4 Intel Corporation. (“Intel”).

5 **NATURE OF THE CASE**

6 1. Intel x86-64 microprocessors, which serve as the computational backbone for
7 the majority of personal computers sold in the United States, contain a defect that prevents
8 them from functioning as intended and results in diminished performance.

9 2. The defect, dubbed “Meltdown” by the security researchers who discovered it,
10 creates a serious risk of exposing sensitive low-level system data. As a result, software
11 workarounds have been implemented in Windows, Linux, and Mac OS operating systems to
12 protect systems from the security defect. The workarounds negatively impact the performance
13 of personal computers containing the microprocessors and prevent the microprocessors from
14 functioning as represented and intended.

15 3. Plaintiff brings this class action on behalf of consumers who purchased Intel
16 microprocessors impacted by the Meltdown defect or computers containing Intel
17 microprocessors impacted by the Meltdown defect and alleges that Intel’s sale of defective
18 microprocessors constitutes a violation of the Illinois Consumer Fraud and Deceptive Business
19 Practices Act, the California Consumers Legal Remedies Act, and California Unfair
20 Competition Law.

21 **JURISDICTION AND VENUE**

22 4. The Court has subject matter jurisdiction under 28 U.S.C. §1332(d) because the
23 proposed Class consists of more than 100 members, the amount in controversy exceeds
24 \$5 million, exclusive of interest and costs, and Plaintiff and Defendant are diverse parties. The
25 Court also has personal jurisdiction over Defendant because Defendant is headquartered in the
26 State of California.

6. Intradistrict Assignment: Pursuant to Civil Local Rules 3-2(c)-(d), and 3-5(b), Defendant is headquartered in Santa Clara County, this action otherwise arises in Santa Clara County, and it is therefore appropriate to assign this action to the Santa Clara Division.

7. Plaintiff Bradley West is an Illinois citizen and resides in DuPage County, Illinois. In October of 2017, Plaintiff spent over \$1,000 to purchase a laptop computer containing a 7th generation Intel Core i7 microprocessor now known to be impacted by the Meltdown defect. As a result of the Meltdown defect, Plaintiff's computer will not function as intended or attain the level of performance that motivated his decision to purchase a computer equipped with a 7th generation Intel Core i7 microprocessor.

8. Defendant Intel Corporation is a Delaware corporation headquartered in Santa Clara, California. Intel is the world's second largest manufacturer of semiconductor chips and the inventor of the x86 microprocessors that power most personal computers, including the Intel x86-64 microprocessors impacted by the Meltdown defect.

9. A security defect dubbed “Meltdown” impacting Intel x86-64 microprocessors was reported on January 2, 2018. The defect was independently discovered by third-party security researchers Jann Horn of Google Project Zero; Werner Haas and Thomas Prescher of Cyberus Technology; and Daniel Gruss, Moritz Lipp, Stefan Mangard, and Michael Schwarz of Graz University of Technology.

10. The defect was disclosed to Intel in June of 2017, if it was not previously known to Intel. The defect impacts x86-64 Intel microprocessors produced since 2011, and likely also impacts older Intel microprocessors. Intel continued to sell defective microprocessors after it was informed of the defect, and even launched a new line of defective microprocessors.

1 11. The Meltdown defect exposes systems with Intel x86-64 microprocessors to the
2 possibility that normal programs can read the contents of the private kernel memory, making it
3 possible for malicious programs to harvest user data including passwords and other sensitive
4 information.

5 12. Software workarounds have been added to various operating systems that
6 support x86-64, including Windows 10, Mac OS X, Linux, and others, in order to patch the
7 security defect.

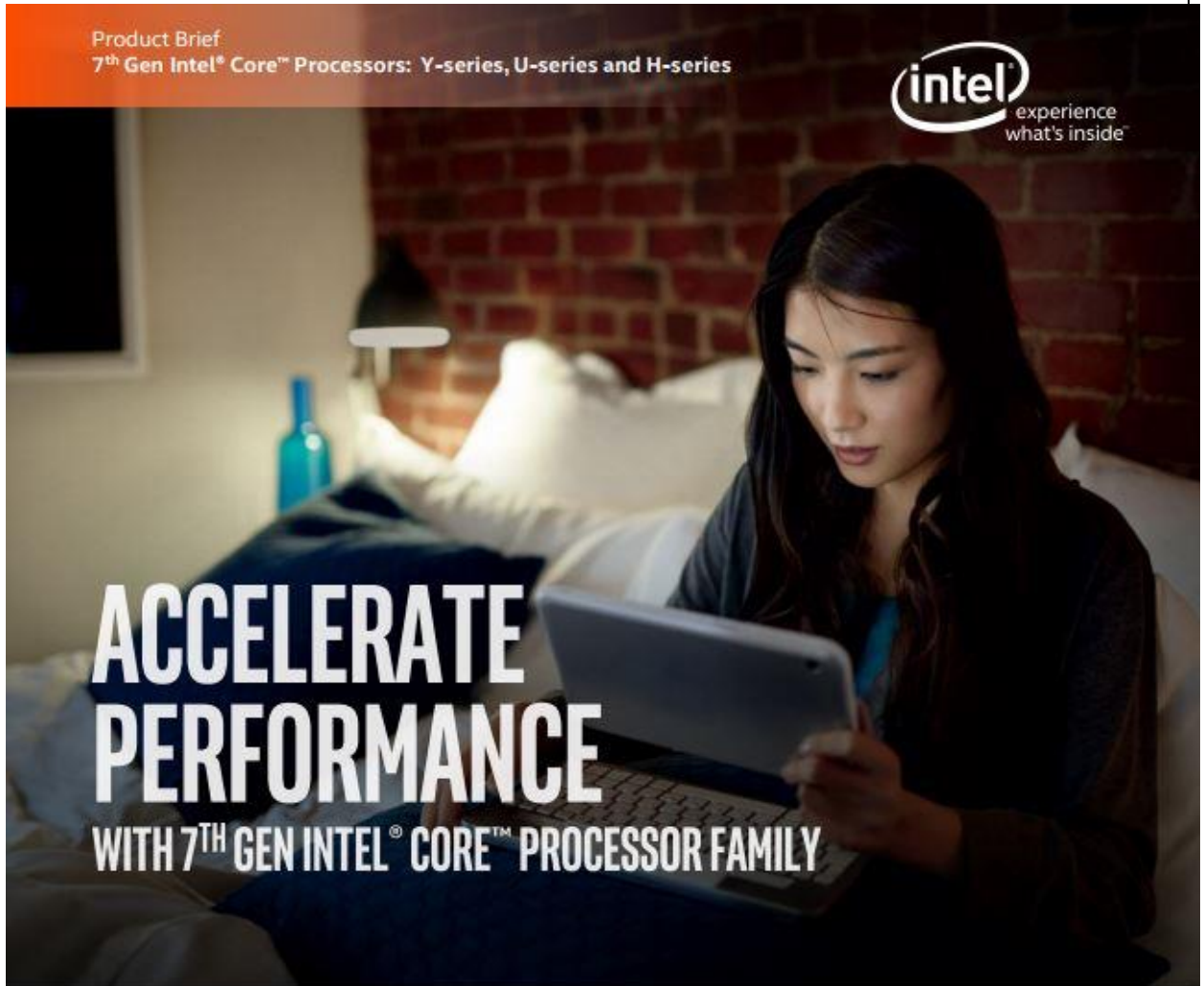
8 13. As a direct result of these workarounds, which require fundamental changes
9 involving moving the operating system kernel into a separate virtual memory space, system
10 performance is negatively impacted. While performance tests of the patches are ongoing,
11 testing reflects severe performance degradation—approximately 20%—in tests of a computer
12 system's ability to rapidly read small files. All owners of systems powered by x86-64
13 microprocessors, including Plaintiff and the classes, will be negatively impacted by the defect
14 and the concomitant loss of performance.

15 14. Performance is the essential attribute of a microprocessor. Computer
16 manufacturers prominently advertise the speed and type of microprocessor included in their
17 computers. Most computers, including Plaintiff's, are affixed with a sticker prominently
18 indicating the make and model of microprocessor contained within.

19 15. Intel's own marketing literature describing the microprocessor contained in
20 Plaintiff's laptop computer makes the central importance of microprocessor performance clear:

21 ///

22 ///



**Responsive
performance,
fantastic gaming &
entertainment and
dazzling viewing
experiences across
a range of form
factors.**

The 7th Gen Intel® Core™ processor family raises the bar once again on Intel's latest processors delivering more responsive performance than ever before¹, fantastic entertainment & gaming, and more natural, intuitive interactions with your PC. Incredible processor graphics transform the viewing experience with 4K Ultra HD video, 360° video, multiple video streams, and premium content playback, enabling new ways to enjoy sharp and engaging content across a range of form factors.

1 16. Plaintiff and the classes have been harmed by the performance degradation
2 resulting from the Meltdown defect in Intel's microprocessors. The microprocessors are
3 defective and cannot perform as intended.

4 **CLASS ACTION ALLEGATIONS**

5 17. Pursuant to Rule 23 of the Federal Rules of Civil Procedure, Plaintiff brings
6 this action against Intel as a national class action, on behalf of himself and members of a
7 National Class defined as follows:

8 All persons in the United States who purchased a microprocessor with the
9 Meltdown defect or who purchased a computer containing a microprocessor
with the Meltdown defect.

10 Excluded from the class are Defendant, its parents, affiliates, subsidiaries, and entities in
11 which Defendant has a controlling interest, as well as Defendant's officers, directors, legal
12 representatives, heirs, predecessors, successors, and assigns, and the judicial officers presiding
13 over the case.

14 18. Pursuant to Rule 23 of the Federal Rules of Civil Procedure, Plaintiff also
15 brings this action against Intel as a class action on behalf of himself and members of a Sub-
16 Class defined as follows:

17 All residents of Illinois who purchased a microprocessor with the Meltdown
18 defect or who purchased a computer containing a microprocessor with the
Meltdown defect.

19 Excluded from the class are Defendant, its parents, affiliates, subsidiaries, and entities in
20 which Defendant has a controlling interest, as well as Defendant's officers, directors, legal
21 representatives, heirs, predecessors, successors, and assigns, and the judicial officers presiding
22 over the case.

23 19. The proposed Nationwide Class and Illinois Sub-Class consist of thousands and
24 possibly millions of geographically dispersed members, the joinder of which is impracticable.
25 The precise number and identities of class members are currently unknown to Plaintiff, but can
26 be derived from records maintained by Intel.

27 20. Intel violated the rights of each class member in the same way by selling the
28 defective microprocessors.

21. There are questions of law and fact common to each of the proposed classes as a whole that predominate over any questions affecting individual class members, including, *inter alia*:

- a. whether Intel's x86-64 microprocessors are defective;
- b. the extent of the damages and harm suffered by Plaintiff and the other class members;
- c. whether the defect caused Plaintiff and the other class members to suffer damages; and
- d. whether Plaintiff and the other class members are entitled to recover actual damages, consequential damages, incidental damages, statutory damages, punitive damages, pre- and post-judgment interest, attorneys' fees, litigation expenses, and court costs and, if so, the amount of the recovery.

22. Plaintiff's claims are typical of class members' claims because they all purchased defective Intel microprocessors or computers containing defective Intel microprocessors.

23. Plaintiff and his counsel will fairly and adequately represent the interests of class members. Plaintiff has no interests antagonistic to, or in conflict with, those of any absent class member. Plaintiff's counsel are experienced in leading and prosecuting class actions on behalf of consumers.

24. A class action is superior to all other available methods for fairly and efficiently adjudicating Plaintiff's and the other class members' claims. Plaintiff and the other class members have been (and will continue to be) harmed as a direct and proximate result of the defect. Litigating this case as a class action is appropriate because (i) it will avoid a multiplicity of suits and the corresponding burden on the courts and parties, (ii) it would be virtually impossible for all class members to intervene in this action, (iii) it will allow numerous entities with claims too small to adjudicate on an individual basis because of

1 prohibitive litigation costs to obtain redress for their injuries, and (iv) it will provide court
2 oversight of the claims process once Intel's liability is adjudicated.

3 25. Certification, therefore, is appropriate under Fed. R. Civ. P. 23(b)(3) because
4 the above-described common questions of law or fact predominate over any questions
5 affecting individual class members, and a class action is superior to other available methods
6 for the fair and efficient adjudication of this controversy.

7 26. The consequences of the defect are applicable to the classes as a whole, for
8 which Plaintiff seeks, *inter alia*, damages, injunctive relief, and other equitable remedies.

9 27. Absent a class action, Intel will retain the benefits of its wrongdoing despite
10 inflicting substantial damages and other actual injury and harm on Plaintiff and the other class
11 members.

12 **CAUSES OF ACTION**

13 **COUNT I (NATIONAL CLASS)**

14 **Violation of California Consumers Legal Remedies Act –** 15 **Civil Code §§1750, *et seq.***

16 28. Plaintiff repeats and realleges all other paragraphs as if fully set forth herein.

17 29. Intel is a "person," under Cal. Civ. Code §1761(c).

18 30. Plaintiff and Class members are "consumers," as defined by Cal. Civ. Code
19 §1761(d), who purchased Intel microprocessors impacted by the Meltdown defect or
20 computers containing Intel microprocessors impacted by the Meltdown defect.

21 31. Intel's conduct, as described herein, in misrepresenting the performance of its
22 microprocessors, and omitting to disclose that it failed to use adequate and reasonable security
23 measures and manufactured the microprocessors with a uniform defect, violates the California
24 Consumers Legal Remedies Act ("CLRA"), Cal. Civ. Code §§1750, *et seq.* Specifically,
25 Defendant violated the CLRA by misrepresenting and omitting material facts, and by engaging
26 in the following practices proscribed by Civil Code §1770(a) in transactions that were intended
27 to result in, and did result in, the sale or lease of goods or services:
28

- a. representing that goods have approval, characteristics, ingredients, uses, benefits, or quantities which they do not have;
- b. representing that goods are of a particular standard, quality, or grade if they are of another;
- c. advertising goods with intent not to sell them as advertised; and
- d. representing that goods have been supplied in accordance with previous representations when they have not.

32. Intel engaged in unfair methods of competition and unfair or deceptive acts or practices by representing that its microprocessors were high performance and state-of-the-art. Contrary to those representations, Intel failed to use adequate and reasonable security measures and manufactured the microprocessors with a uniform defect.

33. Intel engaged in unfair methods of competition and unfair or deceptive acts or practices by selling microprocessors it knew contained the defect. Intel omitted from Plaintiff and the other class members the important fact that the microprocessors contained a defect that created a security vulnerability and caused degraded performance with the intent that Plaintiff and class members rely on such omission.

34. Intel owed a duty to disclose the defect because it possessed exclusive knowledge of the defect, intentionally concealed the existence of the defect, and Intel failed to disclose the material information prior to selling the microprocessors to Plaintiff and the other class members.

35. Pursuant to California Civil Code §1782(d), Plaintiff, individually and on behalf of the other members of the class, seek a court order enjoining the above-described wrongful acts and practices of Intel and ordering Intel to extend repair and replacement remedies to all class members.

36. Pursuant to §1782 of the CLRA, Plaintiff notified Intel in writing by certified mail of the particular violations of §1770 of the CLRA and demanded that Intel rectify the problems associated with the actions detailed above and give notice to all affected consumers of Intel's intent to so act. A copy of the letter is attached hereto as Exhibit A.

37. If Intel fails to rectify or agree to rectify the problems associated with the actions detailed above and give notice to all affected consumers within 30 days of the date of

1 written notice pursuant to §1782 of the CLRA, Plaintiff will amend this complaint to add
2 claims for actual, punitive and statutory damages, as appropriate.

3 38. Plaintiff and the other class members purchased Intel microprocessors for end
4 use and not for resale and are victims of consumer fraud by virtue of Intel's unfair and
5 deceptive acts or practices.

6 39. Intel directly and foreseeably caused and continues to cause Plaintiff's and the
7 other class members' injuries. Plaintiff and the other class members paid a particular price for
8 defective microprocessors. Plaintiff and the other class members were damaged on account of
9 receiving microprocessors worth less than as represented.

10 40. Intel's conduct is fraudulent, wanton, and malicious.

11 41. Pursuant to §1782(d) of the CLRA, attached hereto as Exhibit B is the affidavit
12 showing that this action has been commenced in the proper forum.

13 **COUNT II (NATIONAL CLASS)**

14 **Violation of California's Unfair Competition Law –** 15 **Bus. & Prof. Code §§17200, *et seq.***

16 42. Plaintiff realleges and incorporates by reference the preceding paragraphs as if
17 fully set forth herein.

18 43. The Unfair Competition Law, Business & Professions Code §§17200, *et seq.*
19 ("UCL"), and similar laws in other states, prohibits any "unlawful," "fraudulent," or "unfair"
20 business act or practice and any false or misleading advertising.

21 44. In the course of conducting business, Intel violated the UCL's prohibition of
22 unlawful, unfair, or fraudulent business acts and practices by misrepresenting the quality of
23 Intel microprocessors, omitting material facts concerning the Meltdown defect, and selling
24 uniformly defective microprocessors.

25 45. Intel also violated the UCL's prohibition of unlawful and unfair business acts or
26 practices by actively concealing the existence of the defect, misrepresenting the extent and
27 scope of the defect, and refusing to repair or remedy the defect.
28

1 46. Intel failed to adequately disclose the defect when the defect was a material fact
2 of the sale and failed to adequately institute remedial measures to remedy the defect.

3 47. Intel's fraudulent and unfair conduct is substantially injurious to consumers,
4 offends public policy, and is immoral, unethical, oppressive, and unscrupulous. The gravity of
5 the harm caused by Intel's actions outweighs the benefits.

6 48. In the course of conducting business, Intel committed unlawful business
7 practices by, among other things, making the representations and omissions of material facts,
8 as set forth more fully herein, and violating Civil Code §§1572, 1573, 1709, 1711, 1770(a)(5),
9 (7), (9), (16), Business & Professions Code §§17200, *et seq.*, and 17500, *et seq.*, and the
10 common law. Plaintiff reserves the right to allege other violations of law, which constitute
11 other unlawful business acts or practices. Such conduct is ongoing and continues to this date.

12 49. As stated herein, Plaintiff alleges violations of consumer protection laws, unfair
13 competition, and fraudulent conduct resulting in harm to consumers. Plaintiff asserts the
14 violation of the public policy against false and misleading advertising, unfair competition, and
15 deceptive conduct towards consumers. The conduct constitutes a violation of the unfair prong
16 of the UCL. There is no societal benefit from designing and manufacturing defective products,
17 concealing these defects, and refusing to cure the defects when under a duty to remedy them.
18 While Plaintiff and the other class members were harmed, Intel was unjustly enriched by its
19 misrepresentations and omissions. As a result, Intel's conduct is "unfair," as it offended an
20 established public policy. Further, Intel engaged in immoral, unethical, oppressive, and
21 unscrupulous activities that are substantially injurious to consumers.

22 50. Further, as set forth in this Complaint, Plaintiff alleges violations of consumer
23 protection, unfair competition, and truth in advertising laws in California and other states,
24 resulting in harm to consumers. Intel's acts and omissions also violate and offend the public
25 policy against engaging in false and misleading advertising, unfair competition, and deceptive
26 conduct towards consumers. This conduct constitutes violations of the unfair prong of
27 Business & Professions Code §§17200, *et seq.* There were reasonably available alternatives to
28 further Intel's legitimate business interests that Intel should have taken, but did not.

1 51. Business & Professions Code §§17200, *et seq.*, also prohibits any “fraudulent
2 business act or practice.” In the course of conducting business, Intel committed “fraudulent
3 business act[s] or practices” by among other things, prominently making the representations
4 (which also constitute advertising within the meaning of §17200) and omissions of material
5 facts regarding the safety, characteristics, and production quality of its microprocessors.

6 52. Intel’s actions, claims, omissions, and misleading statements, as more fully set
7 forth above, were also false, misleading and likely to deceive the consuming public within the
8 meaning of Business & Professions Code §§17200, *et seq.*

9 53. Plaintiff has in fact been deceived as a result of his reliance on Intel’s material
10 representations and omissions, which are described above. Plaintiff has suffered an injury in
11 fact and lost money as a result of purchasing the deceptively advertised microprocessors,
12 including by paying more than he should have for a falsely advertised product that contains the
13 uniform defect negatively impacting its value.

14 54. Intel knew, or should have known, that its material representations and
15 omissions would be likely to deceive the consuming public and result in consumers purchasing
16 microprocessors impacted by the Meltdown defect and, indeed, intended to deceive
17 consumers.

18 55. As a result of the deception, Intel has been able to reap unjust revenue and
19 profit.

20 56. Unless restrained and enjoined, Intel will continue to engage in the above-
21 described conduct. Accordingly, injunctive relief is appropriate.

22 57. Plaintiff, on behalf of himself, all others similarly situated, and the general
23 public, seeks restitution from Intel of all money obtained from Plaintiff and the other members
24 of the class collected as a result of unfair competition, an injunction prohibiting Intel from
25 continuing such practices, corrective advertising, and all other relief this court deems
26 appropriate, consistent with Business & Professions Code §17203.

27 ///

28 ///

COUNT III (ILLINOIS SUBCLASS)**Illinois Consumer Fraud and Deceptive Business Practices Act –
815 Ill. Comp. Stat. 505/2**

58. Plaintiff repeats and realleges all of the foregoing paragraphs as if fully set forth herein.

59. The Illinois Consumer Fraud and Deceptive Business Practices Act, 815 Ill. Comp. Stat. 505/2, prohibits unfair methods of competition and unfair or deceptive acts or practices.

60. Intel's sale of defective microprocessors was unfair and deceptive. Intel continued to sell defective microprocessors after it learned of the defect without notifying the public that the microprocessors were defective.

61. Intel omitted the material fact of the microprocessor defect from Plaintiff and the other members of the Illinois subclass.

62. Intel's omission was material and deceptive. Reasonable consumers consider the performance of their microprocessor to be material.

63. Intel's conduct was also unfair. Intel's conduct was immoral, unethical, oppressive, and unscrupulous, and substantially injured Plaintiff and the other members of the Illinois subclass.

64. Plaintiff and the other members of the Illinois Subclass suffered damage as a result of Intel's deceptive and unfair conduct. The performance of their computers has been significantly reduced. Plaintiff and the other members of the Illinois subclass have been deprived of the benefit of their bargain and are left with substandard microprocessors that fail to function as intended.

REQUESTS FOR RELIEF

WHEREFORE, Plaintiff, individually and on behalf of all other class members, respectfully requests that the Court enter an Order:

A. Certifying the classes under Fed. R. Civ. P. 23 as requested herein, appointing Plaintiff as Representative Plaintiff, and Plaintiff's counsel as Class Counsel;

B. Awarding Plaintiff and the other class members actual, consequential, and incidental damages to be determined by the trier of fact;

C. Awarding Plaintiff punitive damages;

D. Awarding Plaintiff and the other class members injunctive relief;

E. Awarding Plaintiff and the other class members pre- and post-judgment interest on all amounts awarded;

F. Awarding attorneys' fees, litigation expenses, and costs of suit incurred through the trial and any appeals of this case; and

G. Granting such other and further relief as the Court deems just and proper.

JURY TRIAL DEMAND

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff demands a trial by jury on all claims in this Class Action Complaint so triable.

Respectfully submitted,

Dated: January 8, 2018

BLOOD HURST & O'REARDON, LLP
TIMOTHY G. BLOOD (149343)
THOMAS J. O'REARDON II (247952)

By: *s/ Timothy G. Blood*

TIMOTHY G. BLOOD

501 West Broadway, Suite 1490
San Diego, CA 92101
Tel: 619/338-1100
619/338-1101 (fax)
tblood@bholaw.com
toreardon@bholaw.com

BARNOW AND ASSOCIATES, P.C.
BEN BARNOW
ERICH P. SCHORK
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ANTHONY L. PARKHILL
One N. LaSalle Street, Ste. 4600
Chicago, IL 60602
Tel: 312/621-2000
312/641-5504 (fax)
b.barnow@barnowlaw.com
e.schork@barnowlaw.com
j.blake@barnowlaw.com
aparkhill@barnowlaw.com

Attorneys for Plaintiff

EXHIBIT A



501 W. Broadway, Suite 1490 | San Diego, CA 92101
 T | 619.338.1100 F | 619.338.1101
 www.bholaw.com

Timothy G. Blood
 tblood@bholaw.com

January 8, 2018

VIA CERTIFIED MAIL (RETURN RECEIPT)
(RECEIPT NO. 7014 0150 0000 6250 7482)

Mr. Brian Krzanich, CEO
 Intel Corporation
 2200 Mission College Blvd.
 Santa Clara, CA 95054-1549

Dear Mr. Krzanich:

We represent Bradley West ("Plaintiff") and all other consumers similarly situated in an action against Intel Corporation ("Defendant"), arising out of, *inter alia*, Defendant's failure to use adequate and reasonable security measures and manufacture of x86-64 microprocessors with a uniform defect.

The defect, dubbed "Meltdown" by the security researchers who discovered it, creates a serious risk of exposing sensitive low-level system data. As a result, software workarounds have been implemented in Windows, Linux, and Mac OS operating systems to protect systems from the security defect. The workarounds negatively impact the performance of personal computers containing the microprocessors and prevent the microprocessors from functioning as represented and intended.

Defendant's misrepresentations and omissions constitute unfair methods of competition and unlawful, unfair, and fraudulent acts or practices. These practices constitute violations of the Consumers Legal Remedies Act, California Civil Code §§1750, *et seq.* Specifically, Defendant's practices violate California Civil Code §1770(a) under, *inter alia*, the following subdivisions:

- (5) Representing that goods have approval, characteristics, ingredients, uses, benefits, or quantities which they do not have

* * *

- (7) Representing that goods are of a particular standard, quality, or grade if they are of another.

* * *

- (9) Advertising goods with intent not to sell them as advertised.

* * *

- (16) Representing that goods have been supplied in accordance with previous representations when they have not.



Mr. Brian Krzanich, CEO
Intel Corporation
January 8, 2018
Page 2

Defendant's practices also violate California Business and Professions Code §§17200, *et seq.* and the Illinois Consumer Fraud and Deceptive Business Practices Act, 815 Ill. Comp. Stat. 505/2.

While the complaint constitutes sufficient notice of the claims asserted, pursuant to California Civil Code §1782, we hereby demand on behalf of our client and all others similarly situated that Defendant immediately correct and rectify these violations by properly informing consumers of the effects of the defective microprocessor and "workaround," and by providing repair and replacement remedies free of charge, in addition to, reimbursement for interest, costs, and fees.

We await your response.

Sincerely,

TIMOTHY G. BLOOD

TGB:jk

Enclosure

EXHIBIT B

BLOOD HURST & O'REARDON, LLP

BLOOD HURST & O'REARDON, LLP
 TIMOTHY G. BLOOD (149343)
 THOMAS J. O'REARDON II (247952)
 501 West Broadway, Suite 1490
 San Diego, CA 92101
 Tel: 619/338-1100
 619/338-1101 (fax)
 tblood@bholaw.com
 toreardon@bholaw.com

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 BEN BARNOW
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 ANTHONY L. PARKHILL
 One N. LaSalle Street, Ste. 4600
 Chicago, IL 60602
 Tel: 312/621-2000
 312/641-5504 (fax)
 b.barnow@barnowlaw.com
 e.schork@barnowlaw.com
 j.blake@barnowlaw.com
 aparkhill@barnowlaw.com

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

BRADLEY WEST, individually and on
 behalf of all others similarly situated,

Plaintiff,

v.

INTEL CORPORATION, a Delaware
 corporation,

Defendant.

Case No.

**AFFIDAVIT OF TIMOTHY G. BLOOD
 PURSUANT TO CAL. CIVIL CODE
 §1780(d)**

CLASS ACTION

JURY TRIAL DEMANDED

Case No.

BLOOD AFFIDAVIT PURSUANT TO CAL. CIV. CODE §1780(d)

1 I, TIMOTHY G. BLOOD, declare as follows:

2 1. I am an attorney duly licensed to practice before all of the courts of the State of
3 California. I am a partner of the law firm of Blood Hurst & O'Reardon LLP, and one of the
4 counsel of record for plaintiff in the above-entitled action.

5 2. Defendant Intel Corporation has its headquarters in and has done and is doing
6 business in Santa Clara County, California. Such business includes the manufacture,
7 promotion, distribution, and sale of the microprocessors at issue in the lawsuit.

8 I declare under penalty of perjury under the laws of the State of California that the
9 foregoing is true and correct. Executed on January 8, 2018, at San Diego, California.

10

11

s/ Timothy G. Blood

12

TIMOTHY G. BLOOD

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JS-CAND 44 (Rev. 06/17)

CIVIL COVER SHEET

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

BRADLEY WEST, individually and on behalf of all others similarly situated,

(b) County of Residence of First Listed Plaintiff DuPage County, IL
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Timothy G. Blood

Blood Hurst & O'Reardon, LLP

501 West Broadway, Suite 1490, San Diego, CA 92101

[SEE ATTACHMENT A]

Tel: (619) 338-1100

DEFENDANTS

INTEL CORPORATION, a Delaware corporation,

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff 3 Federal Question
(U.S. Government Not a Party)
- 2 U.S. Government Defendant ☒ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	1	1	Incorporated or Principal Place of Business In This State	4	<input checked="" type="checkbox"/> 4
Citizen of Another State	<input checked="" type="checkbox"/> 2	2	Incorporated and Principal Place of Business In Another State	5	5
Citizen or Subject of a Foreign Country	3	3	Foreign Nation	6	6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
110 Insurance	PERSONAL INJURY	625 Drug Related Seizure of Property 21 USC § 881	422 Appeal 28 USC § 158	375 False Claims Act
120 Marine	310 Airplane	690 Other	423 Withdrawal 28 USC § 157	376 Qui Tam (31 USC § 3729(a))
130 Miller Act	315 Airplane Product Liability	LABOR	PROPERTY RIGHTS	400 State Reapportionment
140 Negotiable Instrument	320 Assault, Libel & Slander	710 Fair Labor Standards Act	820 Copyrights	410 Antitrust
150 Recovery of Overpayment Of Veteran's Benefits	330 Federal Employers' Liability	720 Labor/Management Relations	830 Patent	430 Banks and Banking
151 Medicare Act	340 Marine	740 Railway Labor Act	835 Patent—Abbreviated New Drug Application	450 Commerce
152 Recovery of Defaulted Student Loans (Excludes Veterans)	345 Marine Product Liability	751 Family and Medical Leave Act	840 Trademark	460 Deportation
153 Recovery of Overpayment of Veteran's Benefits	350 Motor Vehicle	790 Other Labor Litigation	SOCIAL SECURITY	470 Racketeer Influenced & Corrupt Organizations
160 Stockholders' Suits	355 Motor Vehicle Product Liability	791 Employee Retirement Income Security Act	861 HIA (1395ff)	480 Consumer Credit
190 Other Contract	360 Other Personal Injury	IMMIGRATION	862 Black Lung (923)	490 Cable/Sat TV
195 Contract Product Liability	362 Personal Injury -Medical Malpractice	462 Naturalization Application	863 DIWC/DIWW (405(g))	850 Securities/Commodities/Exchange
196 Franchise	CIVIL RIGHTS	465 Other Immigration Actions	864 SSID Title XVI	890 Other Statutory Actions
REAL PROPERTY	440 Other Civil Rights		865 RSI (405(g))	891 Agricultural Acts
210 Land Condemnation	441 Voting		FEDERAL TAX SUITS	893 Environmental Matters
220 Foreclosure	442 Employment		870 Taxes (U.S. Plaintiff or Defendant)	895 Freedom of Information Act
230 Rent Lease & Ejectment	443 Housing/Accommodations		871 IRS—Third Party 26 USC § 7609	896 Arbitration
240 Torts to Land	445 Amer. w/Disabilities—Employment			899 Administrative Procedure Act/Review or Appeal of Agency Decision
245 Tort Product Liability	446 Amer. w/Disabilities—Other			950 Constitutionality of State Statutes
290 All Other Real Property	448 Education			
	PRISONER PETITIONS			
	HABEAS CORPUS			
	463 Alien Detainee			
	510 Motions to Vacate Sentence			
	530 General			
	535 Death Penalty			
	OTHER			
	540 Mandamus & Other			
	550 Civil Rights			
	555 Prison Condition			
	560 Civil Detainee—Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation—Transfer 8 Multidistrict Litigation—Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. §1332(d)(2)

Brief description of cause:

Violations of Civil Code §1750 (CLRA); Cal. Bus. & Prof. Code §17200 (UCL); 815 Ill. Comp. Stat. 505/2

VII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P. DEMAND \$ 5,000,000.00

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes No

VIII. RELATED CASE(S), IF ANY (See instructions):

JUDGE See Attachment B

DOCKET NUMBER See Attachment B

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)

(Place an "X" in One Box Only)

SAN FRANCISCO/OAKLAND

☒ SAN JOSE

EUREKA-MCKINLEYVILLE

DATE 01/08/2018

SIGNATURE OF ATTORNEY OF RECORD

s/ Timothy G. Blood

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-CAND 44

Authority For Civil Cover Sheet. The JS-CAND 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)."
- II. Jurisdiction.** The basis of jurisdiction is set forth under Federal Rule of Civil Procedure 8(a), which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- (1) United States plaintiff. Jurisdiction based on 28 USC §§ 1345 and 1348. Suits by agencies and officers of the United States are included here.
 - (2) United States defendant. When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 - (3) Federal question. This refers to suits under 28 USC § 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 - (4) Diversity of citizenship. This refers to suits under 28 USC § 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS-CAND 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
- (1) Original Proceedings. Cases originating in the United States district courts.
 - (2) Removed from State Court. Proceedings initiated in state courts may be removed to the district courts under Title 28 USC § 1441. When the petition for removal is granted, check this box.
 - (3) Remanded from Appellate Court. Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 - (4) Reinstated or Reopened. Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 - (5) Transferred from Another District. For cases transferred under Title 28 USC § 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 - (6) Multidistrict Litigation Transfer. Check this box when a multidistrict case is transferred into the district under authority of Title 28 USC § 1407. When this box is checked, do not check (5) above.
 - (8) Multidistrict Litigation Direct File. Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket.
- Please note that there is no Origin Code 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC § 553. Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Federal Rule of Civil Procedure 23.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS-CAND 44 is used to identify related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- IX. Divisional Assignment.** If the Nature of Suit is under Property Rights or Prisoner Petitions or the matter is a Securities Class Action, leave this section blank. For all other cases, identify the divisional venue according to Civil Local Rule 3-2: "the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated."
- Date and Attorney Signature.** Date and sign the civil cover sheet.

Bradley West v. Intel Corporation
United States District Court, Northern District of California

ATTACHMENT A TO CIVIL COVER SHEET (JS-CAND-44)

Attorneys for Plaintiff Bradley West

BLOOD HURST & O'REARDON, LLP

Timothy G. Blood (149343)

Thomas J. O'Reardon II (247952)

501 West Broadway, Suite 1490

San Diego, CA 92101

Tel: 619/338-1100

619/338-1101 (fax)

tblood@bholaw.com

toreardon@bholaw.com

BARNOW AND ASSOCIATES, P.C.

Ben Barnow

Erich P. Schork

Jeffrey D. Blake

Anthony L. Parkhill

One N. LaSalle Street, Ste. 4600

Chicago, IL 60602

Tel: 312/621-2000

312/641-5504 (fax)

b.barnow@barnowlaw.com

e.schork@barnowlaw.com

j.blake@barnowlaw.com

aparkhill@barnowlaw.com

Bradley West v. Intel Corporation
United States District Court, Northern District of California

ATTACHMENT B TO CIVIL COVER SHEET (JS-CAND-44)

VIII. RELATED CASES

1. *Garcia v. Intel Corporation*,
Docket No. 5:18-cv-00046-EJD (N.D. Cal.)
District Judge Edward J. Davila
2. *Reis v. Intel Corporation*,
Docket No. 5:18-cv-00074-SVK (N.D. Cal.)
Magistrate Judge Susan van Keulen
3. *Jones v. Intel Corporation*,
Docket No. 5:18-cv-00105-NC (N.D. Cal.)
Magistrate Judge Nathanael Cousins
4. *Rinn v. Intel Corporation*,
Docket No. 5:18-cv-00111-HRL (N.D. Cal.)
Magistrate Judge Howard R. Lloyd