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10 UNITED STATES DISTRICT COURT  
 11 CENTRAL DISTRICT OF CALIFORNIA

12 PERFECT 10, INC., a California  
 13 corporation,

14 Plaintiff,

15 v.

16 GOOGLE, INC., a corporation;  
 17 and DOES 1 through 100,  
 18 inclusive,

19 Defendant.

20 AND CONSOLIDATED CASE.

Case No. CV 04-9484 AHM (SHx)  
 Consolidated with Case No. CV 05-4753  
 AHM (SHx)

**DISCOVERY MOTION**

**PERFECT 10'S OBJECTIONS TO  
 EVIDENCE: SECOND  
 SUPPLEMENTAL DECLARATION  
 OF RACHEL HERRICK KASSABIAN  
 IN SUPPORT OF GOOGLE'S  
 MOTION TO COMPEL PERFECT 10  
 TO AFFIX DOCUMENT CONTROL  
 NUMBERS TO ITS DOCUMENT  
 PRODUCTION ("SECOND  
 SUPPLEMENTAL KASSABIAN  
 DECL.") (DOCKET NO. 543-2)**

**BEFORE JUDGE HILLMAN**

Date: None Set (taken under submission)  
 Time: None Set  
 Place: Courtroom 550, Courtroom of the  
 Honorable A. Howard Matz

Discovery Cut-Off Date: None Set  
 Pretrial Conference Date: None Set  
 Trial Date: None Set

1 Plaintiff Perfect 10, Inc. (“Perfect 10”) submits the following objections  
2 to the Second Supplemental Declaration of Rachel Herrick Kassabian In  
3 Support Of Google’s Motion to Compel Perfect 10 To Affix Document Control  
4 Numbers To Its Document Production (“Second Supplemental Kassabian  
5 Decl.”) (Docket No. 543-2). The Second Supplemental Kassabian Declaration  
6 is objectionable for many reasons, and should be entirely disregarded.

7 Ms. Kassabian’s Second Supplemental Declaration attaches a copy of a  
8 disk as Exhibit 1. (Perfect 10 has not yet received a copy of this disk.) Ms.  
9 Kassabian does not state the origin of the disk, how it was created, or who  
10 created it. Statements regarding the disk and the disk itself lack foundation and  
11 appear to be outside the witness’ personal knowledge. Federal Rules of  
12 Evidence (FRE) 602. Because the disk is not properly authenticated, it is  
13 inadmissible. FRE 901. Any reference to Exhhhibit 1 is inadmissible because it  
14 is based upon hearsay testimony by Ms. Kassabian. FRE 801-804.  
15 Additionally, creation of the disk may require testimony of an expert witness  
16 with the scientific, technical, or other specialized knowledge, skill, experience,  
17 training, or education. Ms. Kassabian fails to establish how the disk was  
18 created and thus it is unknown if expert testimony may be required. FRE 701,  
19 702.

20 Ms. Kassabian attaches, as Exhibit 2, the purported transcript of a  
21 television show. The statements made in the television show are irrelevant,  
22 hearsay, not statements of Dr. Zada (and as set forth in the Zada Supplemental  
23 Declaration and the attached email from the host of the show, Joan Rivers, not  
24 even close to true), lack foundation and personal knowledge, prejudicial,  
25 confusing, and a waste of time. FRE 401-402,403, 602, 801-804.

26 For the foregoing reasons, Perfect 10 objects to the declaration in its  
27 entirety and requests that the Court disregard the entire declaration and exhibits.  
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Dated: October 1, 2009

Respectfully submitted,  
Law Offices of Jeffrey N. Mausner  
*Jeffrey N. Mausner*  
By: \_\_\_\_\_  
Jeffrey N. Mausner  
Attorney for Plaintiff Perfect 10, Inc.