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Attorneys for Plaintiff Perfect 10, Inc.	
UNITED STATE	S DISTRICT COURT
CENTRAL DISTR	CICT OF CALIFORNIA
PERFECT 10, INC., a California) corporation, Plaintiff,	Case No. CV 04-9484 AHM (SHx) CONSOLIDATED WITH CASE NO. CV 05-4753 AHM (SHx)
v.)	DISCOVERY MATTER BEFORE
GOOGLE, INC., a corporation, Defendant.	DECLARATION OF NORMAN ZADA IN REPLY TO GOOGLE'S SUPPLEMENTAL MEMORANDUM IN SUPPORT OF ITS MOTION TO COMPEL PERFECT 10, INC. TO AFFIX CONTROL NUMBERS TO ITS DOCUMENT PRODUCTION Date: None [Currently under submission] Time: None Place: Courtroom 550 Courtroom of Judge Hillman Discovery Cut-Off Date: None Set Pretrial Conference Date: None Set Trial Date: None Set
	Law Offices of Jeffrey N. Mausner Warner Center Towers 21800 Oxnard Street, Suite 910 Woodland Hills, California 91367 Telephone: (310) 617-8100, (818) 992-7 Facsimile: (818) 716-2773 Email: Jeff@mausnerlaw.com Attorneys for Plaintiff Perfect 10, Inc. UNITED STATE CENTRAL DISTR PERFECT 10, INC., a California corporation, Plaintiff, v. GOOGLE, INC., a corporation,

DECLARATION OF NORMAN ZADA

- I, Norman Zada, declare as follows:
- 1. I make this declaration in support of Perfect 10's Reply To Google's Supplemental Memorandum in Support of Its Motion to Compel Perfect 10 to Affix Control Numbers to Its Document Production. I have been involved in every aspect of this case, and have carefully reviewed all of the discovery produced by Google. Except where otherwise stated, I have direct and personal knowledge of the facts set forth herein and, if called as a witness, could and would competently testify thereto
- 2. My net worth is far below what Google claims. Google relies on a made up number by the show "How Did You Get So Rich?" I did not provide that number to the show. Attached hereto as Exhibit 1 is a true and correct copy of an email from Joan Rivers, the host of the show, confirming this. The value of the "Perfect 10 Mansion," which is being sold to forestall the layoff of most of Perfect 10's remaining employees, is also far less than Google claims. Perfect 10 has lost in excess of \$60 million because of rampant infringement.
- 3. The sample that Google allegedly converted to Adobe and bates stamped is not typical of Perfect 10's productions, Perfect 10's production to Google is more than 1,000 Gigabytes, which is approximately 1500 times the size of the example that Google allegedly worked on. Furthermore, Google's sample did not contain any website registrations (which contain multiple file types), .png files, word documents, nor did there appear to be more than one type of file in any single folder in Google's sample. Furthermore, Perfect 10's approximately 1,000 Gigabyte production included at least 2,000,000 non-Adobe files, some within website registrations and others from infringing paysites. Converting those files to Adobe would require a great deal of unnecessary work and result in approximately 2,000,000 additional near duplicate documents.
 - 4. On May 13, 2008, Judge Matz ordered that Google produce "Google's

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DMCA log," which was to be a "spreadsheet-type document summarizing DMCA notices received, the identity of the notifying party and the accused infringer, and the actions (if any) taken in response." (Order, Docket No. 294, page 5, lines 1-9.) Google was also ordered by Judge Matz to produce, in response to Perfect 10's requests 128-131 and 194-195, "All reports, studies, or internal memoranda ordered, requested, or circulated by Bill Brougher, Susan Wojcicki, Walt Drummond, and Eric Schmidt relating to the following topics: search query frequencies, search query frequencies for adult-related terms, number of clicks on adult images and images in general, traffic to infringing websites, the draw of adult content, and percentage of searches conducted with the safe search filter off. (Request Nos. 128-131)." (Order, Docket No. 294, page 3 line 24 to page 4 line 2.) A second related request was ordered produced, for the same reports, studies, or internal memoranda, circulated by or to John Levine, Heraldo Botelho, Radhika Malpani, Jessie Jiang, Lawrence You, Diane Tang, and Alexander Macgillivray. (Request 194-195). (Order, Docket No. 294, page 4 lines 3-9.)

5. I have carefully reviewed Google's production. Google did not produce a DMCA log in spreadsheet form as ordered by Judge Matz. Instead Google produced a jumbled collection of disorganized, often unreadable documents, which at times contained thirteen copies of the same document, spread throughout approximately 21,000 pages of production that was not arranged in any way, by folder or otherwise. Google also did not produce any reports as requested, even though there were emails produced that strongly suggested that Google kept track of the number of clicks on images, and the draw of adult content. In fact, the Google analytics program specifically keeps track of these types of data. Nevertheless, virtually the only reports that Google produced were reports by brokerage houses like Goldman Sachs, regarding Google and its stock price, that had absolutely nothing to do with what was ordered by Judge Matz. Finally, Google's Bate stamp numbering was not consecutive,

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1	because Google periodically left a space between the GGL and the rest of the number,
2	causing it to produce two different documents with essentially the same bates number,
3	GGL 005350 and GGL005350. The bates numbers which Google placed on its
4	production did not help in locating that document because there was no organization in
5	Google's production and the same document was produced multiple times.
6	I declare under penalty of perjury under the laws of the United States of
7	America that the foregoing is true and correct to the best of my knowledge. Executed
8	this 1st day of October, 2009 at Los Angeles County, California.
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10	NORMAN ZADA
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Exhibit 1

From:
Sent: Wednesday, September 30, 2009 9:42 AM
To: normanz
Subject: Re: Unfortunately Google is using the show against me

I will be delighted to speak to your lawyers and tell the world that tv exagerates(see donald to be a speak to your lawyers and tell the world that the sagerates and tell the world that the sagerates are donald to be a speak to your lawyers and tell the world that the sagerates are donald to be a speak to your lawyers and tell the world that the sagerates are donald to be a speak to your lawyers and tell the world that the sagerates are donald to be a speak to your lawyers and tell the world that the sagerates are donald to be a speak to your lawyers and tell the world that the sagerates are donald to be a speak to your lawyers and tell the world that the sagerates are donald to be a speak to your lawyers and tell the world that the sagerates are donald to be a speak to your lawyers and tell the world that the sagerates are donald to be a speak to your lawyers and tell the world that the sagerates are donald to be a speak to your lawyers and tell the world that the sagerates are donald to be a speak to your lawyers and tell the world that the sagerates are donald the sagerates a

Original Message	
From: Norman Z <	
To:	
Sent: Wed Sep 30 01:21:14 2009	

Subject: Unfortunately Google is using the show against me

Dear Joan and Amy,

Unfortunately, Google is using the show against me, claiming that I stated that my net worth is \$100 million. Please see page 6 of second attachment. As you probably know, this case is life or death for me.

Any help you could provide would be greatly appreciated.

Best regards,

Norm