

1 Jeffrey N. Mausner (State Bar No. 122385)
 2 Law Offices of Jeffrey N. Mausner
 3 Warner Center Towers
 4 21800 Oxnard Street, Suite 910
 5 Woodland Hills, California 91367
 6 Telephone: (310) 617-8100, (818) 992-7555
 7 Facsimile: (818) 716-2773
 8 Email: Jeff@mausnerlaw.com

9 Attorneys for Plaintiff Perfect 10, Inc.

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 Defendant.

Case No. CV 04-9484 AHM (SHx)

CONSOLIDATED WITH CASE NO. CV
05-4753 AHM (SHx)

**DISCOVERY MATTER BEFORE
JUDGE HILLMAN**

**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

1 DMCA log,” which was to be a “spreadsheet-type document summarizing DMCA
2 notices received, the identity of the notifying party and the accused infringer, and the
3 actions (if any) taken in response.” (Order, Docket No. 294, page 5, lines 1-9.)
4 Google was also ordered by Judge Matz to produce, in response to Perfect 10’s
5 requests 128-131 and 194-195, “All reports, studies, or internal memoranda ordered,
6 requested, or circulated by Bill Brougher, Susan Wojcicki, Walt Drummond, and Eric
7 Schmidt relating to the following topics: search query frequencies, search query
8 frequencies for adult-related terms, number of clicks on adult images and images in
9 general, traffic to infringing websites, the draw of adult content, and percentage of
10 searches conducted with the safe search filter off. (Request Nos. 128-131).” (Order,
11 Docket No. 294, page 3 line 24 to page 4 line 2.) A second related request was ordered
12 produced, for the same reports, studies, or internal memoranda, circulated by or to
13 John Levine, Heraldo Botelho, Radhika Malpani, Jessie Jiang, Lawrence You, Diane
14 Tang, and Alexander Macgillivray. (Request 194-195). (Order, Docket No. 294, page
15 4 lines 3-9.)

16 5. I have carefully reviewed Google’s production. Google did not produce a
17 DMCA log in spreadsheet form as ordered by Judge Matz. Instead Google produced a
18 jumbled collection of disorganized, often unreadable documents, which at times
19 contained thirteen copies of the same document, spread throughout approximately
20 21,000 pages of production that was not arranged in any way, by folder or otherwise.
21 Google also did not produce any reports as requested, even though there were emails
22 produced that strongly suggested that Google kept track of the number of clicks on
23 images, and the draw of adult content. In fact, the Google analytics program
24 specifically keeps track of these types of data. Nevertheless, virtually the only reports
25 that Google produced were reports by brokerage houses like Goldman Sachs,
26 regarding Google and its stock price, that had absolutely nothing to do with what was
27 ordered by Judge Matz. Finally, Google’s Bate stamp numbering was not consecutive,
28

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.

9 
10 _____
11 NORMAN ZADA

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit 1

From: [REDACTED]
Sent: Wednesday, September 30, 2009 9:42 AM
To: normanz [REDACTED]
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 exaggerates(see donald trump's claims) and not to believe anything that is said on an entertainment show especially by a COMEDIAN. What ass holes!!!!!!xoxoxoxoxoxo

----- Original Message -----

From: Norman Z <[REDACTED]>
To: [REDACTED]
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