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8   UNITED STATES DISTRICT COURT

9   CENTRAL DISTRICT OF CALIFORNIA

10   PERFECT 10, INC., a California   CASE NO. CV 04-9484 AHM (SHx)
     corporation,   [Consolidated with Case No. CV 05-
11   4753 AHM (SHx)]
                     Plaintiff,
12   **DISCOVERY MATTER**
            vs.
13   **[PROPOSED] ORDER GRANTING
     GOOGLE INC., a corporation; and   GOOGLE INC.'S MOTION FOR A
14   DOES 1 through 100, inclusive,   DOCUMENT PRESERVATION
                                                   ORDER TO PREVENT FURTHER
15   Defendants.   SPOLIATION OF EVIDENCE BY
                                                   PERFECT 10, INC.**
16
     AND COUNTERCLAIM   Hon. Stephen J. Hillman
17
     PERFECT 10, INC., a California   Date: January 11, 2010
18   corporation,   Time: 2:00 PM
                                                   Crtrm.: 550
19   Plaintiff,
                                                   Discovery Cutoff: None Set
20   vs.   Pretrial Conference Date: None Set
                                                   Trial Date: None Set
21   AMAZON.COM, INC., a corporation;
     A9.COM, INC., a corporation; and
22   DOES 1 through 100, inclusive,

23   Defendants.

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01980.51320/3240177.1

[PROPOSED] ORDER GRANTING GOOGLE INC.'S MOTION FOR A DOCUMENT PRESERVATION ORDER

[PROPOSED] ORDER

On January 11, 2010, the Court heard argument on Google Inc.'s ("Google") Motion for a Document Preservation Order to Prevent Further Spoliation of Evidence by Perfect 10, Inc. Having considered the parties' briefing and argument, and good cause having been shown, Google's Motion is hereby GRANTED.

Accordingly, Perfect 10 is hereby ordered to: (1) immediately take all steps necessary to preserve all documents relevant to this litigation, including modifying its computer settings for all employees and officers to remove any auto-deletion instructions; and (2) submit a declaration describing the scope and extent of its document deletion activities, including the following:

- Describe how the settings on Ms. Augustine's Perfect 10 email account were established, by whom, and when;

- Describe whether emails on Ms. Augustine's Perfect 10 email account have been deleted, and if so, how many and during what time period;

- Identify the location of any "backup" files for the deleted Augustine emails, including on Ms. Augustine's computer(s), on Perfect 10 computers or servers, or at an off-site location maintained by any Perfect 10 service provider or vendor;

- Explain whether Perfect 10 gave any document preservation instructions to any Perfect 10 employees, contractors, or other personnel regarding this lawsuit, and if so, when and to whom;

- Identify whether the email accounts of any Perfect 10 employees, contractors, or other personnel besides Ms. Augustine have ever been set to automatically delete emails (and if so, who, when and after how long); and

- Identify any other loss or destruction of documents that has affected the discovery Perfect 10 has provided to Google.

1   DATED: January   . 2010

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3   By_____
                                              Hon. Stephen J. Hillman
4   United States Magistrate Judge

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[PROPOSED] ORDER GRANTING GOOGLE INC.'S MOTION FOR A DOCUMENT PRESERVATION ORDER