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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; and
 17 DOES 1 through 100, inclusive,

18 Defendant.

19 AND CONSOLIDATED CASE.

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

Before Honorable Stephen J. Hillman

**DECLARATION OF WENDY
 AUGUSTINE IN SUPPORT OF
 PERFECT 10, INC.'S PORTIONS
 OF THE JOINT STIPULATION
 REGARDING GOOGLE'S MOTION
 FOR A DOCUMENT
 PRESERVATION ORDER, AND IN
 SUPPORT OF PERFECT 10'S
 MOTION FOR A DOCUMENT
 PRESERVATION ORDER**

Date: January 11, 2010
 Time: 2 P.M.
 Place: Courtroom 550, Courtroom of the
 Honorable Stephen J. Hillman

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

1 **DECLARATION OF WENDY AUGUSTINE**

2 I, Wendy L. Augustine, declare as follows:

3 1. I am employed by Perfect 10, Inc. Except where otherwise stated,
4 I have direct and personal knowledge of the facts set for herein, and if called as
5 a witness, could and would competently testify thereto.

6 2. Sometime in the fall of 2008, I had a very serious problem with my
7 computer that I believe was due to a virus. My computer screen went blank and
8 my computer would not function at all. The computer needed to be completely
9 redone. As a result, I lost everything on my hard drive, including all my email.

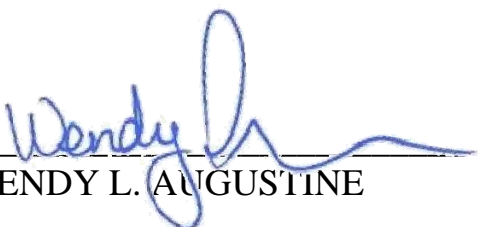
10 3. Prior to my computer breaking down in 2008, to the best of my
11 recollection, my computer saved emails. I believe this to be true because I
12 remember reviewing old emails on that machine.

13 4. Because of continuing problems with that computer, Perfect 10
14 purchased a new one for me in or about August of 2009.

15 5. Immediately after my deposition, when Google appeared to be
16 concerned about preservation of my emails, I instructed a computer technician
17 to set-up the new computer so that emails automatically save, and those emails
18 are backed-up. With regard to my old computer, I instructed that technician to
19 try to save all emails and to look for any emails that he could find anywhere.
20 The technician was able to retrieve emails dated September 17, 2008 and after
21 from my in box.

22 I declare under penalty of perjury under the laws of the United States of
23 America that the foregoing is true and correct to the best of my knowledge.

24 Executed this 10th day of December 2009 in Los Angeles County,
25 California.

26 
27 _____
28 WENDY L. AUGUSTINE