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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,

17 Defendants.

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

Before Judge Stephen J. Hillman

**DECLARATION OF DR. NORMAN
 ZADA IN SUPPORT OF PERFECT 10'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**

18 AND CONSOLIDATED CASE.

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 DR. NORMAN ZADA**

2 I, Norman Zada, declare as follows:

3 1. I make this declaration in support of Perfect 10’s Portions Of The Joint
4 Stipulation Regarding Google’s Motion For A Document Preservation Order, And
5 In Support Of Perfect 10’s Motion For A Document Preservation Order. Except
6 where otherwise stated, I have direct and personal knowledge of the facts set forth
7 herein and, if called as a witness, could and would competently testify thereto. I am
8 President of Plaintiff Perfect 10, Inc. (“Perfect 10”).


9 2. In the fall of 2008, Wendy Augustine had a very severe problem with
10 her computer, most likely from a virus. She complained to me that it wasn’t
11 working at all. I had a technician come out and try to fix it. Attached as Exhibit 1
12 is a true and correct copy of an email I sent to the computer technician about
13 Wendy’s computer. To the best of my recollection, the computer had to be
14 completely redone, and all the information on her hard drive was lost. I told Wendy
15 to make sure that everything on her computer was backed up.

16 3. Perfect 10 has an email backup system which uses our perfect10.com
17 mail server. The emails are backed up as text files. We are currently going through
18 some extremely large backup files to see what emails of Wendy Augustine’s we can
19 recover.

20 4. I have checked Google’s document production for emails from the
21 following Google email accounts, which represent most if not all of the accounts
22 that I can think of that deal with DMCA notices: help@google.com, dmca-
23 agent@google.com, shantal@google.com, haahr@google.com, amac@google.com,
24 and gbrown@google.com. Dmca-agent@google.com is Google’s main DMCA
25 agent email address. Help@google.com is another email address that Google uses a
26 lot for DMCA notices. Although Google stated on April 18, 2005 that it would
27
28

1 produce documents responsive to RFP 6 and 7,¹ as best as I can determine, Google
2 produced the following numbers of emails from those accounts prior to May 1,
3 2008: dmca-agent@google.com 0 at any time; haahr@google.com, 0;
4 gbrown@google.com, 0; shantal@google.com, 4; help@google.com, 2. There were
5 some emails with amac@google.com but they all involved Perfect 10 settlement
6 negotiations with Google, and Perfect 10 already had those emails. Of the 4
7 shantal@google.com emails, one was blank, 2 involved forwarding Perfect 10's
8 DMCA notice to chillingeffects.org (against our wishes.) Only one involved an
9 email with another Google employee. The two emails from help@google.com
10 involved the same single infringer's response to a Perfect 10 DMCA notice.

11 I declare under penalty of perjury under the laws of the United States of
12 America that the foregoing is true and correct to the best of my knowledge.
13 Executed this 10th day of December 2009 in Los Angeles County, California.

14 
15 _____
16 NORMAN ZADA

24 _____
25 ¹ REQUEST NO.6: All DOCUMENTS that constitute or embody GOOGLE's
26 response to any notice or complaint that GOOGLE received from Perfect 10 either
27 directly or indirectly in either 2004 or 2005.

27 REQUEST NO.7: All DOCUMENTS that constitute or embody communications
28 between or among employees of GOOGLE that refer to, relate to, or reflect
GOOGLE's response to any notices or complaints that GOOGLE received for the
years 2004 and 2005 from Perfect 10, either directly, or indirectly.

Exhibit 1

From: Norman Z [normanz@earthlink.net]
Sent: Wednesday, September 17, 2008 7:32 AM
To: Alex Solntsev; Wendy A.
Subject: (no subject)

Looks like Wendy's machine has been attacked by the XP virus. Can you call before coming over?

Best regards,

Norm