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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

PERFECT 10, INC., a California corporation,
Plaintiff,
vs.
GOOGLE INC., a corporation; and DOES 1 through 100, inclusive,
Defendants.

AND COUNTERCLAIM

PERFECT 10, INC., a California corporation,
Plaintiff,
vs.
AMAZON.COM, INC., a corporation; A9.COM, INC., a corporation; and DOES 1 through 100, inclusive,
Defendants.

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

Before Judge Stephen J. Hillman

DISCOVERY MATTER
PERFECT 10'S [PROPOSED] ORDER GRANTING ITS MOTION FOR THE IMPOSITION OF A DOCUMENT PRESERVATION ORDER

Date: January 11, 2010
Time: 2:00 PM
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 On January 11, 2010, the Court heard oral argument on Perfect 10's
2 Motion For A Document Preservation Order To Prevent Spoliation Of Evidence
3 By Google, Inc. Having considered the parties' joint stipulations and oral
4 argument, and good cause existing therefore, Perfect 10's Motion is GRANTED.
5 Google, Inc. is hereby ordered to:

6 (1) Immediately take all steps necessary to preserve all documents
7 relevant to this litigation, including modifying computer settings for all
8 employees and officers to remove any auto-deletion instructions; and

9 (2) Submit a declaration describing the scope and extent of the
10 company's document deletion activities, including the following:

11 (i) Describe how the settings on all company email accounts
12 were established, by whom, and when;

13 (ii) Describe whether emails on company email accounts have
14 been deleted, and if so, how many and during what time period;

15 (iii) Identify the location of any "backup" files for the deleted
16 emails, including on all company computers or servers, or at an off-site
17 location maintained by any company service provider or vendor;

18 (iv) Explain whether the company gave any document
19 preservation instructions to any company employees, contractors, or other
20 personnel regarding this lawsuit, and if so, when and to whom;

21 (v) Identify whether the email accounts of any company
22 employees, contractors, or other personnel have ever been set to
23 automatically delete emails (and if so, who, when and after how long);

24 (vi) Identify any other loss or destruction of documents that has
25 affected the discovery the company provided.

26 IT IS SO ORDERED.

27 Dated: _____

HONORABLE STEPHEN J. HILLMAN
United States Magistrate Judge