

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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.

CASE NO. CV 04-9484 AHM (SHx)
[Consolidated with Case No. CV 05-4753 AHM (SHx)]

DISCOVERY MATTER

ORDER GRANTING GOOGLE INC.'S MOTION FOR A DOCUMENT PRESERVATION ORDER TO PREVENT FURTHER SPOILIATION OF EVIDENCE BY PERFECT 10, INC.

AND COUNTERCLAIM

Hon. Stephen J. Hillman

PERFECT 10, INC., a California corporation,
Plaintiff,

Date: January 15, 2010
Time: 10:00 AM
Crtrm.: 550

vs.

AMAZON.COM, INC., a corporation;
A9.COM, INC., a corporation; and
DOES 1 through 100, inclusive,
Defendants.

Discovery Cutoff: None Set
Pretrial Conference Date: None Set
Trial Date: None Set

1 **ORDER**

2 On January 15, 2010, the Court heard argument on Google Inc.'s ("Google")
3 Motion for a Document Preservation Order to Prevent Further Spoliation of
4 Evidence by Perfect 10, Inc. Having considered the parties' briefing and argument,
5 and good cause having been shown, Google's Motion is hereby GRANTED.

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

- 11 • Describe how the settings on Ms. Augustine's Perfect 10 email account
12 were established, by whom, and when;
- 13 • Describe whether emails on Ms. Augustine's Perfect 10 email account
14 have been deleted, and if so, how many and during what time period;
- 15 • Identify the location of any "backup" files for the deleted Augustine
16 emails, including on Ms. Augustine's computer(s), on Perfect 10
17 computers or servers, or at an off-site location maintained by any Perfect
18 10 service provider or vendor;
- 19 • Explain whether Perfect 10 gave any document preservation instructions to
20 any Perfect 10 employees, contractors, or other personnel regarding this
21 lawsuit, and if so, when and to whom;
- 22 • Identify whether the email accounts of any Perfect 10 employees,
23 contractors, or other personnel besides Ms. Augustine have ever been set
24 to automatically delete emails (and if so, who, when and after how long);
25 and
- 26 • Identify any other loss or destruction of documents that has affected the
27 discovery Perfect 10 has provided to Google.

1 DATED: January_15, 2010

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

By _____/s/_____
Hon. Stephen J. Hillman
United States Magistrate Judge