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7 Attorneys for Third-Party Google Inc.
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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 CALCAR, INC., a California corporation; and
14 AMERICAN CALCAR, INC., a Delaware
corporation,

15 Plaintiffs,

16 vs.

17 THE CALIFORNIA CARS INITIATIVE,
18 INC., an unknown business entity; and FELIX
KRAMER, an individual,

19 Defendants.

CASE NO. 3:08-mc-80083 MHP

DECLARATION OF ADAM BAREA IN
SUPPORT OF THIRD PARTY GOOGLE
INC.'S (1) OPPOSITION TO PLAINTIFF
CALCAR'S MOTION TO COMPEL, AND
(2) CROSS-MOTION FOR PROTECTIVE
ORDER

Date: May 23, 2008
Time: 2:00 pm
Crtrm.: 15

1 I, Adam Barea, declare as follows:

2 1. I am a member of the bar of the State of New York, and a "Registered In
3 House Counsel" attorney with the bar of the State of California. I am employed as in-house
4 counsel for third party Google Inc. ("Google"). I make this declaration of my personal and
5 firsthand knowledge and, if called and sworn as a witness, I could and would testify competently
6 thereto.

7 2. I submit this declaration to provide the court with information and exhibits
8 cited in (1) Google's Opposition to Plaintiff Calcar, Inc.'s Notice of Motion and Motion to
9 Compel Rule 30(b)(6) Deposition Testimony, and (2) Google's Notice of Motion and Motion for
10 Protective Order.

11 3. Google is a technology company based in Mountain View, California.
12 Google.org is the philanthropic arm of Google Inc., and offers grants and other support to
13 organizations acting in the public interest.

14 4. In 2007, Google.org issued a charitable grant to The California Cars
15 Initiative ("TCCI"), a non-profit organization that promotes hybrid technology.

16 5. On March 18, 2008, Calcar, Inc. ("Calcar"), the plaintiff in a trademark
17 infringement action it brought against TCCI (to which Google is not a party), served Google with
18 two subpoenas for documents and deposition testimony, pursuant to Federal Rules of Civil
19 Procedure 45 and 30(b)(6). The deposition subpoena called for a deposition on April 7, 2008.
20 The document subpoena called for the production of certain documents on April 7, 2008. True
21 and correct copies of those two subpoenas are attached hereto as Exhibits A and B, respectively.

22 6. Google subsequently engaged in several meet-and-confer efforts with
23 Calcar in regarding both subpoenas. On April 4, 2008, Google legal assistant Suzanne Abbott
24 informed Calcar that it would consider producing documents responsive to the subpoena for
25 documents, but that it did not believe a deposition of Google was warranted or necessary. Later
26 that same day, Ms. Abbott faxed Google's written objections to the deposition subpoena to
27 Plaintiff's counsel Warren Bleeker. A true and correct copy of Google's written objections are
28 attached hereto as Exhibit C.

1 7. Also on April 4, 2008, Google received a facsimile from Mr. Bleeker
2 indicating that, based on Google's telephonic representation that it would not produce a witness
3 for the deposition, Mr. Bleeker would not travel to San Francisco, California, for the deposition.

4 8. On April 9, 2008, I spoke with Mr. Bleeker. I confirmed that Google would
5 produce documents responsive to the document subpoena. I also stated Google's belief that the
6 documents themselves would be sufficient to provide Calcar with the information it sought, and
7 would demonstrate that no deposition would be necessary, given Google's lack of involvement in
8 the subject matter of the underlying lawsuit. Accordingly, I asked that the issue of the deposition
9 be deferred until Calcar had the opportunity to review the documents.

10 9. Google produced documents responsive to the document subpoena on April
11 11, 2008. Google supplemented its production with two additional responsive documents on April
12 28, 2008. The entire production is 47 pages, and consists of TCCI's grant proposal (dated
13 February 25, 2007), the Grant Agreement (dated March 23, 2007), the grant letter from
14 Google.org (dated April 23, 2007), a status report from TCCI (dated February 15, 2008), an
15 affidavit of Felix Kramer regarding the grant (dated February 21, 2008), and a handful of assorted
16 emails.

17 10. I am informed and it is my understanding that several of the documents
18 Google produced to Calcar had already been produced by defendant TCCI earlier in this action. I
19 am further informed that the Plaintiff Calcar has already deposed defendant Felix Kramer and
20 obtained testimony from Kramer concerning the Google.org grant agreement and the relationship
21 and interactions between Google and TCCI.

22 11. Despite Google's document production on April 11, Calcar continued to
23 press for a deposition under Rule 30(b)(6). In subsequent meet-and-confer efforts, on April 17,
24 2008, Mr. Bleeker indicated that Google need not file a motion for protective order because Calcar
25 intended to move to compel the deposition anyway. When I asked Mr. Bleeker what information
26 he thought Google possessed that would be in any way relevant to Calcar's trademark
27 infringement action, Mr. Bleeker was unable to identify anything specific.

28 12. TCCI does not buy advertising from Google or sell advertising to Google.

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13. TCCI does not participate in any of Google's advertising programs (such as AdSense).

14. Google is not involved in TCCI's business or marketing practices. Google is not a customer of TCCI.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 1 day of May, 2008 at Mountain View, California.

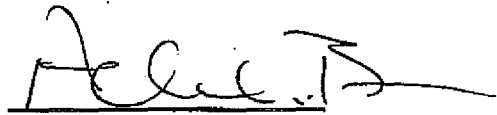

Adam Barea

EXHIBIT A

Issued by the
UNITED STATES DISTRICT COURT
Northern DISTRICT OF California

CALCAR, INC., a California corporation;
 and AMERICAN CALCAR, INC., a California
 corporation,

SUBPOENA IN A CIVIL CASE

v.
 THE CALIFORNIA CARS INITIATIVE, INC.,
 an unknown business entity; and FELIX
 KRAMER, an individual,

Case Number: SACV07-00723 AG (JWJx)
 Central District of California

TO: GOOGLE, INC.
 1600 Amphitheatre Parkway
 Mountain View, California 94043

YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION Arnold & Porter, LLP, 90 New Montgomery St. San Francisco, CA 94105, (415) 356-3000	DATE AND TIME April 7, 2008 9:30 a.m.
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YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE	DATE AND TIME
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YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)  Attorneys for Plaintiffs	DATE March 17, 2008
ISSUING OFFICER'S NAME ADDRESS AND TELEPHONE NUMBER G. Warren Bleeker, Christie, Parker & Hale, LLP, 350 W. Colorado Blvd., #500 Pasadena, California 91105, (626) 795-9900	

(See Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), on next page.)

1 If action is pending in district other than district of issuance, state district under case number.

PROOF OF SERVICE

DATE	PLACE
SERVED	
SERVED ON (PRINT NAME)	MANNER OF SERVICE
SERVED BY (PRINT NAME)	TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on	DATE	SIGNATURE OF SERVER
		ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), as amended on December 1, 2006:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection, copying, testing, or sampling of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection, copying, testing, or sampling may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to producing any or all of the designated materials or inspection of the premises — or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect, copy, test, or sample the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production, inspection, copying, testing, or sampling. Such an order to compel shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection, copying, testing, or sampling commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held;
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information; or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) (A) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably usable.

(C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(D) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) (A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial-preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(B) If information is produced in response to a subpoena that is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.

(e) CONTEMPT. Failure of any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena issued. An adequate cause for failure to obey exists when a subpoena purports to require a nonparty to attend or produce at a place not within the limits provided by clause (ii) of subparagraph (c)(3)(A).

1 ATTACHMENT A

2 DEFINITIONS

3 1. The term "TCCI" refers to The California Cars Initiative, Inc. its
4 predecessors, successors, assigns, and all persons acting or purporting to act on its
5 behalf, including but not limited to its employees, officers, directors,
6 shareholders, independent contractors, consultants, affiliates, accountants, and
7 attorneys.

8 2. The term "GOOGLE" refers to Google, Inc. its predecessors,
9 successors, assigns, and all persons acting or purporting to act on its behalf,
10 including but not limited to its employees, officers, directors, shareholders,
11 independent contractors, consultants, affiliates, accountants, and attorneys.

12 3. The term "COMMUNICATIONS" means any transmission of
13 information, whether oral or in writing (including electronic communications).
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16 SUBJECT MATTERS

- 17 1. Any agreements or contracts between GOOGLE and TCCI.
18 2. Any agreements or contracts between GOOGLE and Felix Kramer.
19 3. Any COMMUNICATIONS between GOOGLE and TCCI.
20 4. Any COMMUNICATIONS between GOOGLE and Felix Kramer.
21 5. The Google.org grant to TCCI to promote plug-in hybrid vehicle
22 education.

23 SC PAS783160.1-4-03/17/08 11:43 AM
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1 ART HASAN, CA Bar No. 167323
art.hasan@cph.com
2 BRIAN K. BROOKEY, CA Bar No. 149522
brian.brookey@cph.com
3 G. WARREN BLEEKER, CA Bar No. 210834
warren.bleeker@cph.com
4 CHRISTIE, PARKER & HALE, LLP
350 West Colorado Boulevard, Suite 500
5 Post Office Box 7068
Pasadena, California 91109-7068
6 Telephone: (626) 795-9900
Facsimile: (626) 577-8800

7 Attorneys for Plaintiff,
8 CALCAR, INC. and AMERICAN
CALCAR, INC.

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA
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12 CALCAR, INC., a California
corporation; and AMERICAN
13 CALCAR, INC., a Delaware corporation,
14 Plaintiffs,
15 vs.
16 THE CALIFORNIA CARS
INITIATIVE, INC., an unknown
17 business entity; and FELIX KRAMER,
an individual,
18 Defendants.
19

Case No. SACV07-00723 AG (JWJx)

**NOTICE OF DEPOSITION OF
GOOGLE, INC.**

DATE: April 7, 2008
TIME: 9:30 a.m.
PLACE: Arnold & Porter, LLP
90 New Montgomery St.
San Francisco, CA 94105
(415) 356-3000

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21 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**
22 **PLEASE TAKE NOTICE** that, under Rule 30(b)(6) and 45 of the Federal Rules
23 of Civil Procedure, CALCAR, INC. AND AMERICAN CALCAR, INC. will
24 take the deposition upon oral examination of GOOGLE, INC., last known address
25 is 1600 Amphitheatre Parkway, Mountain View, CA 94043, commencing on 9:30
26 a.m. at Arnold & Porter, LLP located at 90 New Montgomery Street, San
27 Francisco, California 94105, (415) 356-3000, or at another time and place
28 mutually agreed upon by counsel for the parties and the deponent.

1 Pursuant to Federal Rule of Civil Procedure 30(b)(6), the deponent is
2 obligated to designate one or more of its officers, directors, managing agents or
3 other consenting persons to testify in this action as to matters known or
4 reasonably available to the deponent with respect to the subject matters listed on
5 Attachment A to the attached subpoena. You are invited to attend and cross-
6 examine. It is hereby requested that the deponent identify those persons whom it
7 will designate to testify concerning the listed matters by no later than seven days
8 prior to the date of deposition.

9 The deposition will be taken before an officer authorized to administer
10 oaths by the laws of the United States. The deposition will be recorded
11 stenographically via the use of real-time reporting.

12
13 DATED: March 17, 2008

Respectfully submitted,
CHRISTIE, PARKER & HALE, LLP

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16 By 
G. Warren Blecker

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18 Attorneys for Plaintiffs,
19 CALCAR, INC. and AMERICAN
20 CALCAR, INC.
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CERTIFICATE OF SERVICE

I certify that on March 17, 2008, pursuant to Federal Rules of Civil Procedure, a true and correct copy of the foregoing document described as NOTICE OF DEPOSITION OF GOOGLE, INC.; SUBPOENA IN A CIVIL CASE was served on the parties in this action by U.S. Mail addressed as follows:

William C. Rooklidge
Russell B. Hill
Bobby A. Ghajar
HOWREY LLP
4 Park Plaza, Suite 1700
Irvine, California 92614-8557

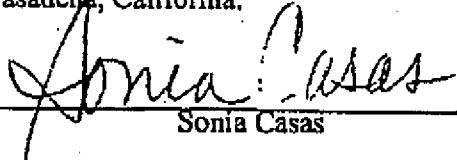
Joshua A. Burt
HOWREY LLP
550 South Hope Street, Suite 1100
Los Angeles, California 90071

Attorneys for Defendants, THE CALIFORNIA CARS INITIATIVE, INC. and FELIX KRAMER

Attorneys for Defendants, THE CALIFORNIA CARS INITIATIVE, INC. and FELIX KRAMER

I declare that I am employed by a member of the bar of this Court, at whose direction this service was made.

Executed on March 17, 2008 at Pasadena, California.



Sonia Casas

EXHIBIT B

Issued by the
UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

CALCAR, INC., a California corporation;
 and AMERICAN CALCAR, INC., a California
 corporation,

(CORRECTED)
SUBPOENA IN A CIVIL CASE

v.
 THE CALIFORNIA CARS INITIATIVE, INC.,
 an unknown business entity; and FELIX
 KRAMER, an individual,

Case Number: SACV07-00723 AG (JWJx)
 Central District of California

TO: GOOGLE, INC.,
 1500 Amphitheatre Parkway
 Mountain View, California 94043

YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
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YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):
 (SEE ATTACHMENT A)

PLACE Arnold & Porter LLP 90 New Montgomery Street, suite 600 San Francisco, California 94105, (415) 356-3000	DATE AND TIME April 4, 2008 10:00 a.m.
--	--

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)  Attorneys for Plaintiffs	DATE March 24, 2008
ISSUING OFFICER'S NAME ADDRESS AND TELEPHONE NUMBER G. Warren Bleeker, Christie, Parker & Hale, LLP, 350 W. Colorado Blvd., Pasadena, CA 91105, (626) 795-9900	

(See Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), on next page)

If action is pending in district other than district of issuance, state district under case number.

PROOF OF SERVICE	
DATE	PLACE
SERVED	
SERVED ON (PRINT NAME)	MANNER OF SERVICE
SERVED BY (PRINT NAME)	TITLE
DECLARATION OF SERVER	
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.	
Executed on _____	_____
DATE	SIGNATURE OF SERVER

	ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), as amended on December 1, 2006:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection, copying, testing, or sampling of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection, copying, testing, or sampling may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to producing any or all of the designated materials or inspection of the premises — or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect, copy, test, or sample the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production, inspection, copying, testing, or sampling. Such an order to compel shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection, copying, testing, or sampling commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held;

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) (A) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably usable.

(C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(D) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) (A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial-preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(B) If information is produced in response to a subpoena that is subject to a claim of privilege or of protection as trial-preparation materials, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.

(c) CONTEMPT. Failure of any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena issued. An adequate excuse for failure to obey exists when a subpoena purports to require a nonparty to attend or produce at a place not within the limits provided by clause (ii) of subparagraph (c)(3)(A).

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EXHIBIT A

DEFINITIONS:

1. The term "TCCI" refers to The California Cars Initiative, Inc. its predecessors, successors, assigns, and all persons acting or purporting to act on its behalf, including but not limited to its employees, officers, directors, shareholders, independent contractors, consultants, affiliates, accountants, and attorneys.

2. The term "GOOGLE" refers to Google, Inc. its predecessors, successors, assigns, and all persons acting or purporting to act on its behalf, including but not limited to its employees, officers, directors, shareholders, independent contractors, consultants, affiliates, accountants, and attorneys.

DOCUMENT REQUESTS:

1. Any agreements or contracts between GOOGLE and TCCI.
2. Any agreements or contracts between GOOGLE and Felix Kramer.

SC PAS784737,1-03/24/08 2:22 PM

1 subpoena on April 4, 2008 at 10:00 a.m. at Arnold & Porter, LLP, 90 New
2 Montgomery Street, Suite 600, San Francisco, California 94105.

3 DATED: March 24, 2008

Respectfully submitted,
CHRISTIE, PARKER & HALE, LLP

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By 
G. Warren Bleeker

Attorneys for Plaintiffs,
CALCAR, INC. and AMERICAN
CALCAR, INC.

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CERTIFICATE OF SERVICE

I certify that on March 24, 2008, pursuant to Federal Rules of Civil Procedure, a true and correct copy of the foregoing document described as (CORRECTED) NOTICE OF SUBPOENA FOR PRODUCTION OF DOCUMENTS was served on the parties in this action by U.S. Mail addressed as follows:

William C. Rooklidge
Russell B. Hill
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Attorneys for Defendants, THE CALIFORNIA CARS INITIATIVE, INC. and FELIX KRAMER

I declare that I am employed by a member of the bar of this Court, at whose direction this service was made.

Executed on March 24, 2008 at Pasadena, California.



Sonia Casas

EXHIBIT C

Google Inc.
1600 Amphitheatre Parkway
Mountain View, California 94043



Tel: 650.253.3425
Fax: 650.249.3429
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April 4, 2008

Via Facsimile Only
(626)577-8800

G. Warren Bleeker
Christie, Parker & Hale, LLP
350 W. Colorado Blvd.
Pasadena, CA 91109

**Re: CalCar Inc. and American CalCar, Inc. v. The California Cars Initiative,
Inc and Felix Kramer. (Internal Ref. No. 63115-21699) and previous letter from
Google dated 4/4/2008.**

Dear G. Warren Bleeker:

We have received your subpoena for deposition, dated 03-17-2008, in the above-referenced matter.

Pursuant to Rule 45 of the Federal Rules of Civil Procedure, and all analogous rules under any applicable state law, Google Inc. ("Google"), which is not a party to the underlying action, responds and objects to the subpoena for deposition testimony and the deposition topics (the "Topics") for at least the following reasons.

1. Google objects to the subpoena to appear for a deposition on the grounds that it imposes an undue burden on Google, a non-party, to appear as a witness. Google also objects to the subpoena to appear for a deposition on the grounds that the information sought can be obtained through less burdensome means, including from the parties to the case.
2. Google objects to the subpoena to appear for a deposition on the grounds it is vague, overbroad, duplicative, cumulative, unduly burdensome, and oppressive. Google objects to the subpoena to appear for a deposition to the extent that the subpoena is abusively drawn and served for the purpose of annoying and harassing Google, a non-party.
3. Google objects to the Topics to the extent they seek testimony that has been, or could be, obtained from any of the parties to the underlying litigation or by less burdensome means.
4. Google objects to the Topics on the grounds that they impose an undue burden and demand that Google, a non-party, appear as a witness at its own expense. To the extent that Google appears as a witness pursuant to the subpoena, Google shall only do so upon compensation for costs, including attorney fees, related to the deposition.
5. Google objects to the Topics to the extent they seek testimony that contains, or may contain, trade secrets, or other confidential business or commercial information entitled to protection under applicable common law, statutes or rules. Google objects to the extent that any Stipulated Protective Order entered in the case does not provide sufficient protection for the information sought from Google.
6. Google objects to the Topics to the extent they seek testimony protected from disclosure by the attorney-client privilege, the work product doctrine, or any other applicable

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privilege or immunity. To the extent that Google testifies in response to the Topics, Google will not testify as to anything protected by such privileges or immunities, and any inadvertent disclosure shall not be deemed to constitute a waiver of any such privilege or immunity.

7. Google objects to the Topics to the extent they seek information that is not within Google's knowledge.

8. Google objects to the Topics to the extent that they are vague, overbroad or unduly burdensome.

9. Google objects to the Topics to the extent that they call for testimony that is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence.

10. Google objects to the Topics to the extent that it seek testimony or impose obligations beyond what is permissible under the Federal Rules of Civil Procedure or any applicable local rules.

11. Google objects to the Topics to the extent they seek testimony concerning a large range of topics in only a short time frame for providing the testimony. To the extent that Google appears as a witness pursuant to the subpoena, Google shall do so at a mutually agreeable time and place.

If you have any questions, please feel free to contact the Legal Investigations Support Department at LEGAL-COMPLIANCE@GOOGLE.COM. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read "Suzanne Abbott" with "LIS" written below it.

Suzanne
Abbott
2008.04.04
12:53:18 -07'00'

Suzanne Abbott
Legal Investigations Support