

EXHIBIT L

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Subject: Black v. Google 3
From: gerald@raymondavich.com
Date: Fri, Jun 25, 2010 1:49 pm
To: bvolkmer@wsgr.com

----- Original Message -----

Subject: CASE NOTES Black v. Google
From: gerald@raymondavich.com
Date: Sun, June 13, 2010 11:47 pm
To: tammyjih@google.com

Intended for: tammyjih@google.com

Hello Tamara Jih,

Having given our phone conversation further thought and knowing it's your intentions to seek fees and cost from us, I want to hopefully clarify some highlights of the complaint. I don't want to hide anything from you or have the complaint drag out as I don't believe that to be in either parties interest. So to further a dismissal or settlement of the case, I'm putting forward the following so that valuable time need not be wasted and to help you in your response to the complaint.

First off, I'm all for fairness, but at this point will argue in favor of an injunction being placed upon your entire web site before the Court. My wife, however is for money, we've established that as (husband and wife) Plaintiffs here at home.

Please note the complaint has allegations incorporated into each cause of action and that there are does 1-100 listed as Defendants.

I believe the issues that most concern me and should you are as follows:

The complaint centers upon the laws of truthfulness in advertising and disclosure. The allegations are unlawful conduct, unfair business practices, breach of contract, misrepresentation, etc. In short we allege that Google is illegally '*strong arming*' us as well as the public business and professional community into visiting your web site. Businesses and professionals must come to you to save themselves from other competitors and consumer-generated content. They save themselves by visiting your website, participating in the consumer-generated comments on your web site, and by buying your advertisements. The *strong arm tactics* are for Google's web traffic and for financial gain, but cause countless professional and business injuries.

I also want you to be aware that we have done some investigating of our own prior to filing the complaint. More specifically, we believe we can prove each and every cause of action. We have photo evidence from

your site and witnesses which will surprise you (whistle blowers).
One such witness states as follows:

"Listings are gathered from public information and are often compromised by the public, database providers, or the owner of the business listed. The only way to have sole ownership of a business listing and its content is to upgrade to paid advertising."

Following is a partial of the allegations and issues at hand:

A. Google knows that consumers are likely to make on line comment/complaint reviews, whether meritorious or not, against businesses and professionals.

Reality: People are more unlikely to promote a business they do not own; but will quickly defame a competitor, a telemarketer, or more simply a professional or business they don't like.

B. Google then provides a platform for consumers to post their comments/complaint on line in conjunction with the business or professionals name, address, and phone number. The comments force businesses to look over their shoulder 24/7 and search the skies constantly for wrong doing under their 'advertised company name', even if they don't own a computer or can not read. Thus bringing business traffic to the Google web site whereby Google is then able to harvest leads for their advertising department sales campaign. Traffic is also generated to the Google web site as a result of Google programming the Plaintiff's business name in the search from the front page of Google's web site; said traffic is from the efforts of the Plaintiff's day to day business of prospecting door-to-door rather than from Google's own work.

C. Google knows the program may and does do harm by way of consumers complaining, database provider errors, and even the business owner or professional that's listed. Therefore Google allows anyone to report abusive conduct or defamation within the program by selecting and reporting the abuse, presumably to Google. Providing said means of reporting abuse, defamation, spam, etc. makes Google look good in the public eye.

Reality: Google ignores the reports of abuse and misconduct within the program and does not communicate with injured inquiries as that does not generate income for Google resulting in a gross misrepresentation.

D. Google then misrepresents publicly a process by which the business or professional may suspend the 'courtesy listing', again this makes Google look good in the public eye.

Reality: Google inhibits a business from removal of the 'courtesy advertisement' by creating a system by which it may take weeks or months to suspend a business listing. Google does not disclose to the business or professional that the suspension or deletion of the advertisement is only temporary as Google allows others to re-list the business or professional advertisement. Therefore Google's ability to really suspend or remove a business that's suffering from abusive content on the so called 'courtesy advertisement' is impinged upon by inadequacies within the program itself.

E. Google then misrepresents publicly on line that a business or professional may 'take ownership' of the business listing, this makes them look good in the public eye as 'ownership' implies control.

Reality: Google offers to businesses and professionals an enhanced or paid version of the advertisement allowing the business or professional to have full control of Google's on line business review program. Upon purchasing the upgraded version of the 'Courtesy Advertisement' or paid advertisement, Google has profited by standing on the rights of others while at the same time abusing and shredding the purpose and intent of the 230(c) decency act passed by Congress.

F. Google publishes advertising without the advertised business or professionals knowledge combined with an ever changing 24/7 content and the advertisements of other like business, usually with the business or professionals public name, address, and phone. The changing nature of the advertisement in many cases defames or misrepresents the business or professional products being offered causing a business or professional to pay Google for complete control (ownership) of the advertisement in order to prevent his business or profession from be damaged.

Reality: Google is threatening the business and professional community by publishing a program that as a whole does harm to ones business and violates law. The business or professional must then go see Google's web site and perhaps discover that for a fee Google will give full ownership of a business or profession back to its' rightful owner.

G. Google then contacts the business and professional community via robot-calling (Telemarketing); "Push #1 if you'd like to be on the front page of Google.com"... This is where advertising sales are generated if a business or professional hasn't already called in to Google's ad department in distress.

Conclusion:

Again I'm only trying to make clear my most prominent issues within the

complaint to help you with your response. In all fairness I'm still in shock at what I've discovered about Google; but at least I answered two questions:

1. Why would a company like Google want a program that they know does harm?

Of course the answer is PROFIT.

2. Why would Google then ignore business and professional inquiries when problems occur with abuse of the program?

Of course it's because they don't want to even tell their employees for fear that a tech or help desk person may leak the dirty little secret of how to sell advertising to businesses and professionals in a 'disaster' plagued economy.

So it's my belief that Google employees or assigns are not allowed to communicate with businesses or professionals regarding problems of abuse within Google's on line 'courtesy advertising' program because of the malicious nature of the program; IE: Misrepresentation of taking ownership of a listing and abuse of the listing by the public facilitates a potential advertising sale for Google. Bottom line is that Google abuses the law and good will of others for profit.

I know that these allegations are horrible; If you can satisfy me that I wasn't abused as a business, I'll consider your request for a 'Voluntary Dismissal'; otherwise my recommendation is you try buying your way out and consider changing some of your programming.

I really hope that this helps to make our position clear on at least part of the complaint and enables you to more accurately answer. If I can be of any further assistance in moving the case forward please feel free to write or call me.

Gary Black ☺ ☺

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