

# EXHIBIT E

From: Cal Bay Construction 1440 Military West #104 Benicia, California 94510 /AND/  
Castle Roofing 101 Auld Court Green Valley Falls, California 94534

To: Google, Inc. Legal Department  
1600 Amphitheatre Parkway  
Mountain View, CA 94043

Via U. S. Mail

April 22nd, 2010

First hand, you have my apologies if I sound brash. This letter is out of necessity and only intended to resolve a small business problem expeditiously.

I've done business as Cal Bay Construction and other names going back to 1989 and never heard of your business review process until recently. I've been trying to retire for the past year or so and up until recently had a perfect track record.

Holli Beam owns Castle Roofing and relies heavily upon the good will and excellent reputation I built under the Cal Bay Construction name. She is now *administrator* over all the employees, staff, and bidding processes. She uses her own license and decided on the name Castle as it would be more fanciful should she decide to advertise as opposed to Cal Bay which is very generic in style.

Castle Roofing generates daily business by way of telemarketing and door to door canvassing which reveals instantly and daily damages caused by the online posting. Commercial advertising such as T.V., radio, and online ads are not and have never been in the business model.

The posting at hand not only defames but is devastating to Holli's business and my own reputation. This week alone she has a \$15,000, a \$13,000 & two 9,000 deals on the table not counting others incoming throughout the week. The point is that these are not lunch tickets and 'apparently' a minimum of one third to half of all clients using a contractor check the contractors name on Google during or before the transaction takes place with the contractor. The defamatory commit on your web site is costing Holli as much as thirty thousand weekly in sales.

**Below are some specifics you may wish to consider while deciding whether or not to remove the defamatory content from your web site:**

- 1.) Hopefully you can put yourself in the small shoes of a business that's losing thousands of dollars weekly because of your questionable business practice.
- 2.) Google is a global and powerful market influence. However, it's not proper to issue a fatal blow against small businesses on behalf of a single disgruntled person having an anonymous grudge that might not even be related to that business. For example it may be that my dog urinates on the neighbors property when their dog isn't looking or worse it could be an online stalker with a vengeance perhaps against a proprietor or a proprietors telemarketing practice.
- 3.) In the current business climate, it would not be in Googles best interest to be publicly known as a powerful market influence (bully) shutting down thousands of small businesses across America.
- 4.) While Google may not be liable for the anonymous postings of others, it may be liable proportionately for the malicious damage caused by very bad oversight of the review process.

Examples: a) Failure to accommodate and fairly evaluate both sides of an anonymous contractor dispute. b) Enabling a person or persons to exact meaningful revenge against a business whether they are in the right or in the wrong. c) An online stalker seeking revenge rather than a true and just remedy on Google's platform without Google providing a method of resolution is guaranteed to be a small business tragedy.

- 5.) There should be a fair dispute/resolution process if Google intends to hold itself out as the deciding factor in a contractor's bid.
- 6.) Google forces businesses to post phony reviews to mitigate bad reviews, as very few people will actually take time, without compensation, to promote a business they do not own and Google is enabling and promoting the fraud to perpetuate a review process and advertising revenue.
- 7.) Fraudulent and defamatory postings spread throughout the Internet and the brick and mortar community as they're copied from the Google web site.
- 8.) Google is not acting responsibly and with regard concerning different degrees of market influence pertaining to an on line defamation. Said ignorance is highly discriminatory towards small mom and pop businesses. **[The Courts should perhaps intervene in creating new case law prohibiting large market influences such as Google and Yahoo from destroying small mom and pop businesses when online postings come under dispute.]**
- 9.) The posting violates Google's own terms of service (TOS) in that it defames and does great damage to a business on a 24/7 continuous basis. It's not like a bad day for a business but more like a death sentence for a small business whether the accusation is true or not.

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The same defamatory posting was placed on Yahoo under a different still anonymous user account and has recently been removed from Yahoo. For your convenience following is Yahoo's reply after the removal of the defamatory comment:

From: Yahoo! Local <[local-ratings@cc.yahoo-inc.com](mailto:local-ratings@cc.yahoo-inc.com)>  
Date: Tue, April 13, 2010 6:24 pm  
To: <[gerald@raymondavich.com](mailto:gerald@raymondavich.com)>

Hello,

Thank you for writing to Yahoo! Local.

We're sorry, but the feature you are requesting is not available, and we do not have an estimated date as to when or if it will be available. We are always looking for ways to make Yahoo! Local more useful to our users, and we will be sure to keep your comments in mind as we continue to make improvements to our service.

Please let us know if you need any further assistance. Your patience is greatly appreciated.

Thank you again for contacting Yahoo! Local.

Regards,

David Blake

Yahoo! Customer Care

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The Google web site posting at issue is patently false, malicious, and defamatory with intent to harm as can be easily evidenced.

Holli of Castle Roofing is urging me to make formal a complaint against Google for allowing the defamation, trade mark infringement issues, abusive and ineffective business practices, negligence, stalking, ...etc. along with a motion to expose the posting party in the next several days.

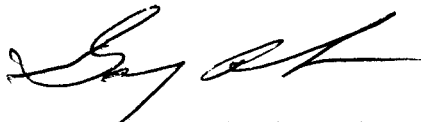
I've tried talking her into a hard copy letter to Google first but she's getting high rates of people canceling sales appointments after appointments have been set by canvassers and by telephone, contract cancellations, and embarrassing personal inquiries.

Even though Cal Bay Construction no longer contracts, we still take calls for valid service on a few thousand roofs. The posting adversely impacts Castle Roofing at the old Cal Bay location where she (Castle Roofing) wants the posting removed from your web site on an ASAP basis.

Should you wish more information please feel free to contact me at anytime. My cell (707) 373-2960. I'll give the matter a little more time, as I would like it resolved -- rather than being a party to litigation in the forthcoming several days.

The simplest solution is for Google to remove the Cal Bay Construction and Castle Roofing business listings from your servers as advertising is not something that we need or want. At the least the defamatory comment must come down to avoid costly litigation.

Thank you in advance for your valuable consideration.

A handwritten signature in black ink, appearing to read 'Gary Black', with a stylized flourish at the end.

Gary Black owner of Cal Bay Construction a/k/a Gerald Raymondavich

CC: Castle Roofing | Cal Bay Construction | Gary Black | Holli Beam  
Attached: Copy of your web site page depicting the defamatory comment.