

1 GARY BLACK,  
2 HOLLI BLACK  
3 101 Auld Court  
4 Green Valley Falls, California 94534  
5 Telephone (707) 373-2960

6 Plaintiffs are acting:  
7 "In Propria Persona"

**FILED**  
AUG - 5 2010  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

8 **UNITED STATES DISTRICT COURT**

9 for the

10 **NORTHERN DISTRICT OF CALIFORNIA**

11  
12  
13 GARY BLACK, individually d/b/a Cal Bay  
14 Construction and,  
15 HOLLI BEAM-BLACK, individually d/b/a Castle  
Roofing

Plaintiffs,

16 vs.

17 GOOGLE, INCORPORATED et al;  
18 and  
19 Does 1 through 100 inclusive,  
20 Defendants.

Case No. : 4:10-cv-02381-CW

**Plaintiffs**

**Declaration For Damages**

Hearing date: August 12, 2010; 2:00 P. M.

Before: Honorable Claudia Wilken

21  
22  
23 We, Gary Black and Holli Beam-Black being husband and wife, declare damages as set forth  
24 below to the best of our knowledge and believe the itemization to be true, correct, and reasonable.  
25 Plaintiffs pray for judgment of declared damages detailed below by the Court. We make this  
26 declaration based upon our records and business relationships with our customers and prospects. We  
27 are over the ages of eighteen and of sound mind and competent to make this declaration for damages  
28 and if called upon could detail even further that which is contained herein.

Section 1.

Plaintiffs Claim For Judgment and Detail of Damages

Total = \$20,575,000.00

Plaintiffs are requesting a judgment totaling \$20,575,000.00 U. S. Dollars or as the Court may deem proper along with any other such relief as the Court may order as appropriate. Plaintiffs request \$20,000,000.00 in emotional distress damages (6th cause of action), \$75,000.00 in actual damages, and \$500,000.00 in statutory damages. If judgment is granted the Plaintiffs wish it to be paid within a date as may be specified by the Court because as the Defendants have predictably waited until the last hour of the last day for each of their filings. The Plaintiffs make declarations as follows only for purposes of defining the difference between the damages and amount of damages, any references herein to the case itself have already been stated by the parties as Plaintiffs have rested with exception to damage amounts. Plaintiffs promised an accounting at the August 12 hearing; the accounting is as follows.

Section 2.

**Intentional Infliction Of Emotional Distress**

quoted from the complaint as follows:

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**SIXTH CAUSE OF ACTION**

**Intentional Infliction of Emotional Distress**

60.) Plaintiff herein incorporates paragraphs one through fifty-nine into this Seventh Cause Of Action and alleges that the Defendants, Google, Inc., intentionally inflicted emotional distress upon the Plaintiffs by intentional negligence, inattentive business practices, violation of common decency, violation of law, and unfair business practices for the purpose of selling advertising rather than the purpose of free marketing of 'Courtesy Advertising' for businesses and professionals.

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The Plaintiffs incorporated the entire complaint into the sixth cause of action whereby Plaintiffs detailed exactly how they were being damaged by the Defendants acts. Plaintiffs were forced by Google's market strength to monitor the Google.com web site as Google used Plaintiffs business information publicly for purposes of selling advertising from Oct. 20, 2009 thru about the first week of June 2010. The Plaintiffs did not consent to these acts by Google. Plaintiffs' prospects, detailed below, were able to easily access the Plaintiff's business information from the front page of the

1 Google.com web site not an unknown third party. Plaintiffs were emotionally disturbed and devastated  
2 by said access as follows:

3 A.) Plaintiffs bidding of jobs were admittedly and intentionally interrupted by Google.com's  
4 purpose per their mission statement and Google admittedly ignores the accuracy of Plaintiffs  
5 business information per their defense;

6 B.) Plaintiffs were humiliated by prospects viewing the Plaintiffs business information, as  
7 customers accessed Google's web site during the process of their roofs being done and turned  
8 hostile towards Plaintiffs;

9 C.) Plaintiffs abilities to sell were psychologically impaired by the Google.com acts of using  
10 Plaintiffs namesake and one of the Plaintiff's abilities as a new writer were interrupted and  
11 impaired as Plaintiffs both were forced to deal with such matters;

12 D.) Googles acts intentionally imposed a 24/7 fatal blow to the Plaintiff's bids for residential  
13 roofing jobs as consumers were easily able to access Plaintiffs business information from the  
14 front page of the Google.com web site without Plaintiff's permission. Thereafter the Plaintiffs  
15 loss of income imposed tremendous stress upon Plaintiffs everyday enjoyment of life.

16 E.) Plaintiffs still suffer as all bids detailed below are forever lost by Googles acts of using  
17 the Plaintiffs business information on line without sufficient programming or assistance to  
18 protect the Plaintiffs rights to free trade as stated in the complaint. The Plaintiffs have been  
19 forced to go further distances to get residential roofing work away from the embarrassment and  
20 humiliation caused by Googles' use of Plaintiffs namesake without care for advertising profits.

21 F.) Plaintiffs are also emotionally damaged by the fact that Google is boldly against our long  
22 standing business **tradition**, whereby when a consumer has a dispute with Plaintiff's businesses  
23 it can be resolved easily and amicably resolved. Plaintiffs are disturbed emotionally in that the  
24 Defendants are at present blatantly admitting to and attempting to destroy the tradition and the  
25 balance of Plaintiff's trade by ignoring the adverse commercial nature of their programming  
26  
27  
28

upon the Plaintiffs businesses.

**Total Damages For Emotional Distress \$20,000,000.00**

Section 3.

**Actual Damages**

The Plaintiff can only recall one customer in the past ten - twenty years that cancelled a contract, it was an owner that died a few days following the sale (a relative cancelled it). However the following \$45,150.00 represent cancelled contracts/jobs directly attributable to the Google.com web site access by customers (House numbers omitted for privacy purposes but available if requested by the Court):

- 2/10 Located on Tipperary Dr. Vacaville \$6,790.00
- 3/10 Located on El Quanito Dr. Danville \$14,580.00
- 3/19 Located on Roanwood Way Concord \$11,780.00
- 4/15 Located on Curletto Dr. Concord \$12,000.00

**Total: \$45,150.00** + cost of generating sales and quotations from October 20, 2009 thru June 1, 2010 at **\$29,850.00** for a total actual damage claim of **\$75,000.00**.

**Total Actual Damages \$75,000.00**

Section 4.

**Statutory Damages**

The following is an itemization of documented bids for residential roofing projects by Cal Bay Construction & Castle Roofing bids for residential roofing projects from October 20, 2009 thru June 1, 2010 which are the dates in which Google.com used Plaintiffs business information for the purpose of driving traffic to their web site and for purposes of selling advertising. The quotations below total \$2,518,300.00 and were seriously interrupted and intruded upon by the Google.com web site advertising programs, Google's ignorance of their programming, and Plaintiffs' pleas for relief.

**The Plaintiffs certainly do not sell 100% of all bids but do typically sell about half which generate an estimated one third contribution toward the businesses overhead. Plaintiffs estimate the total losses or contribution towards Plaintiff's overhead would have only been about**

1 **\$500,000.00 of the \$2,518,300.00.**

2 Additionally, the Plaintiffs did not begin keeping a field record until December. In October and  
3 November the Plaintiffs believed they would get the on line problems resolved. Upon learning very  
4 quickly that the Defendant Google was seriously none responsive the Plaintiffs began tracking the job  
5 quotations (bids) beginning 12/8 as detailed below:  
6

7 October 20, 2009 thru Oct. 31st

8 *"Plaintiff possesses phone records and office log records rather than actual field quotations if  
9 further examination is required."*

10 November 2009

11 *"Plaintiff possesses phone records and office log records rather than actual field quotations if  
12 further examination is required."*

13 December 2009

14 12/8 3788 Happy Valley Road Lafayette \$27,440.00  
15 12/11 1635 San Diego Fairfield \$12,000.00  
16 12/12 1872 Dorland Ct. Fairfield \$13,780.00  
17 12/12 104 Independence Vacaville \$8,740.00  
18 12/12 201 Wellfleet Dr. \$8,690.00  
19 12/14 4337 Leewood Place C C County \$11,780.00  
20 12/14 82 Collins Drive Pleasant Hill \$9,440.00  
21 12/14 1740 Gumwood Dr. C C County \$9,190.00  
22 12/14 35 Claypool Ct. Danville \$21,780.00  
23 12/14 1660 Sierra Vista Way Lafayette \$10,990.00  
24 12/14 461 Tharp Dr. Moraga \$15,440.00  
25 12/16 1350 Weyand Way Dixon \$14,440.00  
26 12/16 700 Calmace Ct. Dixon \$7,990.00  
27 12/18 226 Briton Ct. Alamo \$19,940.00  
28 12/18 307 Zagora Dr. Danville \$36,000.00  
12/19 2280 Camino Brazus Pleasanton \$13,440.00  
12/21 1314 Aster Dr. Antioch \$9,440.00  
12/21 7483 Interlachen Dr. San Ramon \$10,000.00

**December Totals = \$260,520.00**

26 January 2010

27  
28 1/5 115 Roslyn Dr. C C County \$14,290.00

- 1 1/5 1819 Poplar Dr. Walnut Creek \$13,780.00
- 1/5 42 Ball Rd. Walnut Creek \$13,640.00
- 2 1/6 849 Wellfleet Dr. Vallejo \$10,490.00
- 1/7 741 San Simeon Concord \$7,990.00
- 3 1/9 4413 Weeping Spruce Ct. C C County \$14,000.00
- 1/9 1548 Boxwood St. San Leandro \$6,000.00
- 4 1/12 1277 Lindell Dr. Walnut Creek \$5,990.00
- 1/14 619 Whitestag Way Vacaville \$8,790.00
- 5 1/16 823 Pochard Fairfield \$5,990.00
- 1/16 5983 Castlebrook Dr. Castro Valley \$11,480.00
- 6 1/22 151 Modelia Place San Ramon \$11,990.00
- 7 1/23 2401 Casa Way Walnut Creek \$29,780.00
- 1/23 1310 Roseann Dr. Martinez \$10,780.00
- 8 1/23 18 Wimpole St. Moraga \$10,790.00
- 1/23 159 Sealion Place Vallejo \$18,000.00
- 9 1/23 1161 Camino Solano Concord \$14,000.00
- 1/23 28 Carisbrook Dr. Orinda \$15,780.00
- 10 1/23 2108 Belford Dr. Walnut Creek \$13,440.00
- 1/26 4025 Los Arabis Dr. Lafayette \$30,000.00
- 11 1/27 2465 Providence Ct. Walnut Creek \$16,440.00
- 12 1/27 7548 Northland Ave. San Ramon \$13,440.00
- 1/27 160 Ardmore Way Benicia \$6,000.00
- 13 1/29 44 Cumberland Lane Moraga \$15,440.00
- 1/29 4737 Pizzimenti Ct. Concord \$16,440.00
- 14 1/30 110 Chaucer Ct. Pleasant Hill \$16,440.00
- 15 1/30 354 Donald Dr. Moraga \$13,780.00
- 1/30 1271 Apple Dr. Concord \$13,440.00

**January Totals = \$378,420.00**

February 2010

- 18 2/3 1191 Schofield Ct. C C County \$8,440.00
- 19 2/4 2013 Sousa Ct. Fairfield \$12,780.00
- 20 2/4 805 Gonda Way (Barn) Danville \$4,500.00
- 2/6 3503 Cranbrook Way Walnut Creek \$10,000.00
- 21 2/6 1661 Arkel Road Walnut Creek \$16,440.00
- 2/6 1009 Peppermill Ct. C C County \$23,780.00
- 22 2/6 1812 Newell Ave. Walnut Creek \$15,000.00
- 2/6 10 Emory Ct. Clayton 19,880.00
- 23 2/6 1371 Lydia Lane Clayton \$10,000.00
- 2/6 3767 St. Peter Ct. Concord \$11,780.00
- 24 2/6 1345 Pennsylvania Blvd. Concord \$9,440.00
- 25 2/12 673 Silvertop Way Vacaville \$12,000.00
- 2/13 722 Crossbrook Dr. Moraga \$16,440.00
- 26 2/13 2132 Londonderry Ct. Walnut Creek \$13,780.00
- 2/13 1109 Katlin Place Concord \$17,000.00
- 27 2/13 1451 Monitor Ave. Suisun \$9,440.00
- 2/13 1829 Baldwin Dr. Concord \$13,440.00
- 28 2/13 101 Panoramic Way Walnut Creek \$7,500.00

1 2/17 20 Arjana Ct. Alamo \$19,000.00  
2/17 119 Gatetree Ct. Danville \$17,780.00  
2 2/18 108 Via Serrena Alamo \$16,440.00  
2/19 400 Verbena Ct. Pleasant Hill \$15,780.00  
3 2/19 2648 Reliez Valley Rd. Martinez \$12,780.00  
2/19 2570 Orange St. Martinez \$8,110.00  
4 2/19 1424 Beechwood Dr. Martinez \$8,440.00  
2/20 160 Plymouth Ct. Vacaville \$4,000.00  
5 2/20 3124 Deerpark Walnut Creek \$9,440.00  
2/20 216 Valle Vista Dr. Danville \$10,440.00  
6 2/20 142 Blue Canyon Way Martinez \$17,440.00  
7 2/20 1211 Veale Ave. Martinez \$4,500.00  
2/20 32 Via Alandra Ct. Alamo \$22,440.00  
8 2/23 931 Snow Dr. Martinez \$25,000.00  
2/24 51 Linda Ct. Danville \$17,000.00  
9

**February Totals = \$440,230.00**

10  
11 March 2010

12 3/3 403 Sarah Way Suisun \$8,940.00  
3/3 2615 Lucy Lane Walnut Creek \$9,710.00  
13 3/3 1860 Eagle Peak Ave. Clayton \$8,940.00  
3/3 2918 Balsome Ct. Fairfield \$9,140.00  
14 3/4 1004 Palm Ave. Martinez \$12,000.00  
3/5 475 Nabor St. San Leandro \$8,440.00  
15 3/5 1103 Hillcrest Dr. Lafayette \$15,990.00  
3/6 155 Blue Canyon Way Martinez \$11,780.00  
16 3/6 16 Brandon Oakes Place Walnut Creek \$23,440.00  
3/6 1813 Landana Dr. Concord \$7,990.00  
17 3/6 1412 Beechwood Dr. Martinez \$7,990.00  
3/6 19 Hammond Place Moraga \$12,440.00  
18 3/8 9935 Mangos Dr. San Ramon \$13,780.00  
3/8 12989 Hawkins Dr. San Ramon \$11,780.00  
19 3/10 1008 Rachele Rd. Walnut Creek \$11,780.00  
3/11 46 Freitas Dr. Moraga \$14,780.00  
20 3/12 3670 Perada Dr. Walnut Creek \$14,440.00  
3/15 3168 Lucas Drive Lafayette \$12,440.00  
22 3/15 4365 Greenleaf Ct. Concord \$15,840.00  
3/15 645 Adobe Drive Danville \$17,440.00  
23 3/16 3653 Wren Ave. Concord \$7,990.00  
3/16 2081 Essenay Ave. Walnut Creek \$11,780.00  
24 3/16 4249 Armond Dr. Concord \$10,000.00  
3/18 49 Mariposa Ct. Danville \$24,780.00  
25 3/19 535 E. L Street Benicia \$17,000.00  
3/19 767 Rose Dr. Benicia \$12,000.00  
26 3/20 329 Bryan Dr. Alamo \$48,440.00  
3/20 7500 Sedgefield Ave. San Ramon \$14,440.00  
27 3/20 1738 Jeanne Circle Martinez \$10,780.00  
28 3/20 1031 Metten Ave. Pittsburg \$16,440.00

1 3/20 3731/2 Lawton St. Antioch \$9,440.00  
2 3/25 638 Berkeley Way Fairfield \$10,000.00  
3 3/26 1392 Reliez Valley Rd. Lafayette \$9,400.00  
4 3/27 181 Bahia Vista Ct. Vallejo \$11,440.00  
5 3/27 3413 Thunderbird Dr. Concord \$8,440.00  
6 3/27 2507 San Miguel Concord \$13,300.00  
7 3/27 2211 Bridgeport Way Martinez \$11,780.00  
8 3/27 601 N. Regatta Dr. Vallejo \$9,710.00  
9 3/30 132 Overhill Rd. Orinda \$14,280.00  
10 3/30 15800 Via Rivera San Lorenzo \$11,490.00  
11 3/30 16012 Via Paro San Lorenzo \$9,440.00

**March Totals = \$541,450.00**

8 April 2010

9 4/2 7395 Sedgefield Ave. San Ramon \$10,000.00  
10 4/3 1570 Las Trampas Rd. Alamo \$18,000.00  
11 4/3 17360 Via Melina San Lorenzo \$8,990.00  
12 4/3 623 Grove Way Hayward \$9,440.00  
13 4/5 1798 Tennyson Dr. Concord \$10,990.00  
14 4/6 1320 Berrellesa St. Martinez \$10,740.00  
15 4/6 635 Sterling Dr. Martinez \$10,740.00  
16 4/6 818 White Wing Dr. Suisun \$9,990.00  
17 4/7 1049 Dolores Dr. Lafayette \$12,380.00  
18 4/7 3737 Cottonwood Dr. Concord \$9,440.00  
19 4/7 23 Paraiso Ct. Danville \$17,780.00  
20 4/7 513 Alder Ct. Benicia \$9,710.00  
21 4/8 2174 Bockman Rd. San Lorenzo \$9,440.00  
22 4/10 'Log Sheet Wet' must research Bids = \$8,990.00 + 19,780.00 + 9,110.00 + 5,790  
23 4/13 160 Mount Tam Ct. Martinez \$9,550.00  
24 4/13 3253 Arroyo Dr. Fairfield \$12,380.00  
25 4/15 324 Brennan Ct. Antioch \$11,440.00  
26 4/16 24795 Woodarce Ave. Hayward \$12,780.00  
27 4/16 4322 Goldenhill Dr. Pittsburg \$12,780.00  
28 4/16 3351 S Francisco Way Antioch \$9,440.00  
4/17 4560 Buckskin Dr. Antioch \$12,440.00  
4/17 16985 Esteban St. Hayward \$12,780.00  
4/17 532 Emerson St. Fremont \$9,440.00  
4/20 1537 N. Mitchell Canyon Rd. Clayton \$16,780.00  
4/21 39 Descano Dr. Orinda \$14,440.00  
4/22 2220 Beckman Way Hayward \$11,780.00  
4/22 4043 Valente Ct. Lafayette \$12,780.00  
4/23 300 Valley High Dr. Pleasant Hill \$13,780.00  
4/23 24697 Lyell Way Hayward \$7,790.00  
4/24 160 Beverly Drive Pleasant Hill \$10,240.00  
4/26 995 Honister Lane Concord \$13,780.00  
4/26 5947 Cardinet Dr. Clayton \$13,780.00  
4/27 22 Fairway Ct. Pittsburg \$8,610.00  
4/28 2035 Scenic Ave. Martinez \$10,000.00  
4/30 11 Norwich Ct. San Ramon \$12,780.00



April Totals = \$430,140.00

1  
2 May 2010

3 5/1 3127 Stanley Blvd. Lafayette \$15,780.00  
4 5/1 62 Lake Meade Ct. San Ramon \$15,780.00  
5 5/3 2085 Falcon Dr. Fairfield \$10,180.00  
6 5/4 612 Parkhaven Pleasant Hill \$14,780.00  
7 5/5 231 Stonyford Dr. Vacaville \$12,780.00  
8 5/5 813 Raven Dr. Vacaville \$12,780.00  
9 5/6 932 W. L Benicia \$9,990.00  
10 5/6 153 Court Way Vacaville \$9,440.00  
11 5/7 3009 Carey St. Antioch \$14,440.00  
12 5/7 822 Dorset Way Benicia \$14,440.00  
13 5/7 385 Temple Dr. Vacaville \$7,000.00  
14 5/8 4375 Dorset Ct. Concord \$9,440.00  
15 5/8 1961 Marshall Rd. Vacaville \$12,440.00  
16 5/8 217 N. West St. Vacaville \$8,790.00  
17 5/10 198 Fairview Dr. Vacaville \$5,990.00  
18 5/12 16116 Paseo Largavista San Lorenzo \$11,000.00  
19 5/12 4420 Sargent Ave. Castro Valley \$12,780.00  
20 5/12 109 Glacier Cir. Vacaville \$10,780.00  
21 5/13 879 Vintage Ave. Cordelia \$10,280.00  
22 5/15 422 Wait St. Hayward \$8,990.00  
23 5/15 15915 Via Pinale San Lorenzo \$11,000.00  
24 5/15 137 Flying Dutchman Glen Cove \$9,190.00  
25 5/15 545 Hastings Benicia \$10,780.00  
26 5/17 514 Viewmont Benicia \$7,790.00  
27 5/17 107 Clover Hill Ct. Danville \$15,840.00  
28 5/18 1749 Bandoni Ave. San Lorenzo \$9,690.00  
29 5/19 826 Mayview Way Livermore \$12,440.00  
30 5/19 1559 Honeysuckle Rd. Livermore \$9,110.00  
31 5/21 1865 Ellard Place Concord \$16,780.00  
32 5/21 1138 Hearst Dr. Pleasanton \$23,990.00  
33 5/21 3865 Hotsprings Ct. Pleasanton \$9,900.00  
34 5/22 282 Corlis Dr. Moraga \$17,180.00  
35 5/22 321 La Questa Drive Danville 24,440.00  
36 5/22 5256 Lenore Ave. Livermore \$8,000.00  
37 5/22 637 Dover Way Livermore \$16,780.00  
38 5/22 7839 Firebrand Dr. Dublin \$9,190.00  
39 5/25 30 Cardinet Drive Clayton \$14,780.00  
40 5/27 750 Floresta Blvd. San Leandro \$12,780.00

May Totals = \$467,540.00

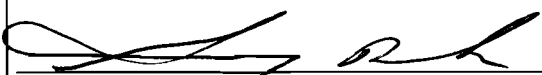
Statutory Grand Totals = \$2,518,300.00

**Total Statutory Damages Claimed \$500,000.00**

28 //

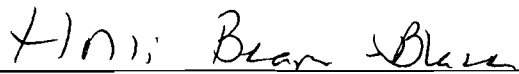
1 We declare under the penalty of perjury under the laws of California and the United States of  
2 America that the foregoing is true and correct to the best of our knowledge. Executed on August 5,  
3 2010 at Benicia, California.

4  
5 Respectfully Submitted,

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Dated: 8/5/2010

8 GARY BLACK, individually plaintiff

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Dated: 8/5/2010

10 HOLLI BEAM-BLACK, individually plaintiff

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4 CERTIFICATE OF SERVICE BY US MAIL

5  
6 I, Jose G. Torres, declare:

7  
8 I am employed in Solano County. I am over the age of 18 years and not a party to the within  
9 action. My business address is: 1440 Military West; suite #104 Benicia, California 94510.

10 I am readily familiar with depositing mail with the United States Postal Service. On this date, I  
11 served on each party listed below  
12

13 **"Plaintiffs Declaration For Damages;**  
14 **Hearing date: August 12, 2010; 2:00 P. M.**  
15 **Before: Honorable Claudia Wilken"**

16 by placing it into an envelope with fully paid postage thereon, sealed the envelope, and  
17 delivered the envelope for mailing to the United States Post Office in Benicia, California.  
18

19 Wilson Sonsini Goodrich & Rosati  
20 attorneys at law  
21 650 Page Mill Road  
22 Palo Alto, California 94304-1050

23 I declare under the penalty of perjury under the laws of the United States that the foregoing is  
24 true and correct. Executed at Benicia, California 94510 on August 5, 2010.  
25

26  
27 JOSE CARLOS TORRES  
28 Jose G. Torres