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12 UNITED STATES DISTRICT COURT  
 13 NORTHERN DISTRICT OF CALIFORNIA  
 14 OAKLAND DIVISION

15 GARY BLACK, et al., )  
 16 )  
 17 Plaintiffs, )  
 18 )  
 19 v. )  
 20 )  
 21 GOOGLE INC., )  
 22 )  
 23 Defendant. )  
 24 )  
 25 )  
 26 )  
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No. C 10-02381 CW

**DEFENDANT GOOGLE INC.'S  
 OBJECTION AND MOTION TO  
 STRIKE PLAINTIFFS'  
 "OBJECTION"**

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**OBJECTION AND MOTION TO STRIKE**

On August 13, 2010, the Court granted with prejudice defendant Google Inc.’s (“Google”) motion to dismiss Plaintiffs’ Complaint. (Docket No. 26). On August 25, 2010, Plaintiffs filed a paper entitled “Objection.” (Docket No. 28). That nearly incomprehensible document should be stricken because it contains scurrilous allegations and there is no basis in any rule or statute for its filing.

Plaintiffs should also be reminded of their duties under Rule 11 and 28 U.S.C. § 1927. Plaintiffs have paid little heed to the Federal Rules or the Local Rules during this litigation:

- Plaintiffs filed a free-standing “declaration” on the same day that Google filed its motion to dismiss even though there is no basis for such a filing under the Federal Rules or the Local Rules. (Docket No. 13).
- Plaintiffs filed a premature motion for judgment on the pleadings before the pleadings were closed in violation of Rule 12(c) and controlling Ninth Circuit authority. (Docket No. 15).
- Plaintiffs filed serial memoranda responding to Google’ motion to dismiss in violation of Civil Local Rule 7-3. (Docket Nos. 15, 16).
- Plaintiffs filed a “Declaration For Damages,” again without any authority, after the briefing was closed on the pleadings motions. (Docket No. 23).
- After judgment was entered, Plaintiffs filed an “Objection” to the Court’s order dismissing their case with prejudice. (Docket No. 28).

These actions have caused undue burden and expense and are not excused based on Plaintiffs’ *pro se* status. *See United States v. Merrill*, 746 F. 2d 458, 465 (9th Cir. 1984) (a *pro se* litigant “is subject to the same rules of procedure and evidence as defendants who are represented by counsel.”). While Google has exercised restraint on these matters, it respectfully requests that the Court warn

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1 Plaintiffs that any further unauthorized submissions or baseless personal attacks  
2 will result in sanctions.

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4 Dated: August 30, 2010

Respectfully submitted,

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WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

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By: /s/ David H. Kramer

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David H. Kramer

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Attorneys for Defendant Google Inc.

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**CERTIFICATE OF SERVICE NON-ECF FILERS**

I, Deborah Grubbs, declare:

I am employed in Santa Clara County, State of California. I am over the age of 18 years and not a party to the within action. My business address is Wilson Sonsini Goodrich & Rosati, 650 Page Mill Road, Palo Alto, California 94304-1050.

On this date I served:

**DEFENDANT GOOGLE INC.’S OBJECTION AND MOTION TO STRIKE PLAINTIFFS’ “OBJECTION”**

**VIA U.S. MAIL:** By placing the document(s) in a sealed envelope for collection and mailing with the United States Postal Service on this date addressed to the person(s) listed below. I am familiar with our business practices for collecting and processing of mail for the United States Postal Service. Mail placed by me within the office for collection for the United States Postal Service would normally be deposited with the United States Postal Services that same day in the ordinary course of business.

NON-ECF FILERS

Gary Black  
Holli Beam-Black  
101 Auld Court  
Green Valley Falls, CA 94534

**BY E-MAIL:** by causing to be transmitted via e-mail the document(s) listed above to the addressee(s) at the e-mail address(es) listed below.

NON-ECF FILERS

Gary Black  
Holli Beam-Black  
Email: gerald@raymondavich.com

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed at Palo Alto, California on August 30, 2010.

/s Deborah Grubbs  
Deborah Grubbs