

GARY BLACK,
HOLLI BLACK
101 Auld Court
Green Valley Falls, California 94534
Telephone (707) 373-2960

FILED
AUG 31 2010

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

Plaintiffs are acting:
"In Propria Persona"

UNITED STATES DISTRICT COURT

for the

NORTHERN DISTRICT OF CALIFORNIA

GARY BLACK, individually d/b/a Cal Bay
Construction and,

HOLLI BEAM-BLACK, individually d/b/a Castle
Roofing

Plaintiffs,

Case No. C 10-02381 CW

vs.

REPLY TO

GOOGLE, INCORPORATED et al;
and Does 1 through 100 inclusive, Defendants.

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

Gary and Holli Black
101 Auld Court
Green Valley Falls, California 94534

Motion To Strike Is Ungrounded; Should Be Overruled

The Defendant states in their objection, first paragraph: "...there is no basis in any rule or statute for its filing." The Defendant is referring to Plaintiffs 'objection' to the Court's ruling of Plaintiff's complaint as moot. The Defendant has failed to assert proper grounds for their motion to strike so the Court may therefore legally examine the Plaintiffs objection. The basis for Plaintiffs' filing of the objection was upon a respect for the Court; giving the Court a second opportunity to review the complaint and papers on file.

A Case Problem

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2 A problem exist in this case as the attorney for Google can not answer material allegations within the
3 complaint, not even one, without incriminating his client (Complaint. ¶ 2 & Def. Mot. To Dismiss p. 2, lines 8 -
4 18/ p. 11, lines 15 - 17). This is because the complaint is true and accurate rather than moot (every paragraph)
5 to wit and already in pleadings;[underlined sections for reference]:

6 Complaint:

7 "2.) The Plaintiff alleges that the Defendant, Google, Inc. in fact allows so called '*courtesy*
8 *advertising*' of the Plaintiff's businesses to be placed on it's web site without the Plaintiff's
9 permission while exaggerating the benefits of a free product to the public at large and fails to
disclose to businesses a material relationship where one exists between the public at large and
the Plaintiff's business."

10 Motion To Dismiss/Answer:

11 "The purpose of Google Places is "to help people make more informed decisions about
12 where to go, from restaurants and hotels to dry cleaners and bike shops [.]"² Google Places
contains listings for millions of hotels, restaurants, and other businesses. Listings
typically contain the address and phone number of the listed business. In addition, users of
Google Places can write and post reviews of the businesses."

13 "Google does not owe an impossible-to-fulfill duty to the world to
14 ensure that all speech on the Internet is accurate."

15 Written proposed verdicts seem difficult to Plaintiff, but perhaps a simpler, true verdict would grant the
16 Plaintiffs judgment as follows:

17 In a fair view of the matter, it's apparent that 1st Amendment (anonymity) and 5th Amendment (Due-Process)
18 rights are opposed within Googles business review process. Said opposition
imposes an inherent responsibility upon Google to presuppose the laws of responsible behavior when advised of
19 wrongful acts associated with the program. Entities such as Google, possessing a large market force penetration
should not attempt profits from opposing substantive rights of the people.

20 Defendant's admissions of having no control over their 'Courtesy Advertising' program
21 [ie: "...an impossible-to-fulfill duty..."] clearly reveals proof that the Defendants manner of conduct and
ethics breach that of an orderly business society.

22 *Hughes v. Pair*, 46 Cal. 4th 1035, 1050 (2009) Conduct is considered "outrageous" when it is "so extreme
23 as to exceed all bounds of that usually tolerated in a civilized community." Id. at 1050-51 (quotations and
24 citations omitted).

25 The Plaintiffs believe it is worse than dog fighting and spreading across the Internet rapidly. Google,
26 rather than accepting immunity as a protection from third -parties, actually abuses the 'Decency Act'
27 knowingly for profit by ignoring the program participants (Plaintiffs), the program design (Complaint ¶s 17
28 & 20), and it's problems (Complaint ¶ 2; above); All cited within the complaint as conspiracy (a collaborative

1 effort" between the internet provider and the third-party content provider.) at ¶ 35.

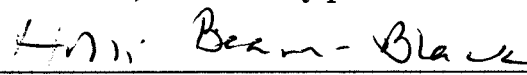
2 "35.) Plaintiff further alleges that the Defendants, Google, Inc., intentionally conspired to cause illegal acts.
3 Throughout the on line 'courtesy advertising' programming distributed to the public by the Defendant, Google, Inc.,
4 there exist options whereby the general public may report suspect content to the Defendant, Google, Inc.. The
5 general public may select and report content that they believe to be abusive or illegal; Therefore one may conclude
6 that the Defendant, Google, Inc. knew in advance that their programming was hostile, could and does cause harm by
7 enticing members of the general public to commit illegal acts, which is now continuing on a business as usual basis."

8 Plaintiffs very much support the 'Decency Act', anonymity, and due-process and do not wish to see
9 either of them damaged by abuse or abusive practices such as the issue at hand. The Plaintiffs apologies
10 are the Courts for asking for a second reading.

11 Respectfully Submitted,

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GARY BLACK, individually plaintiff

Dated: 8/31/2010

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HOLLI BEAM-BLACK, individually plaintiff

Dated: 8/31/10

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CERTIFICATE OF SERVICE BY US MAIL

I, Jose G. Torres, declare:

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

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

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

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

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

I declare under the penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed at Benicia, California 94510 on August 31, 2010.

Jose G TORRES
Jose G. Torres