

EXHIBIT D

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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION
15

16 CLRB HANSON INDUSTRIES, LLC d/b/a)
INDUSTRIAL PRINTING, and HOWARD)
17 STERN, on behalf of themselves and all)
others similarly situated,)
18 Plaintiffs,)
19 vs.)
20 GOOGLE, INC.,)
21 Defendant.)
22)

CASE NO: C05-03649 JW

**HOWARD STERN'S RESPONSE TO
DEFENDANT GOOGLE INC'S
REQUEST FOR PRODUCTION OF
DOCUMENTS (SET TWO)**

23
24
25 PROPOUNDING PARTY: GOOGLE, INC
26 RESPONDING PARTY: HOWARD STERN
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1 Pursuant to Rule 26 and 34 of the Federal Rules of Civil Procedure, and Northern
2 District of California Local Rule 34-1, Plaintiff Howard Stern (“Stern”) responds to the Second
3 Set of Requests for Production of Documents of Google Inc (“Google”) as follows:

4 **GENERAL OBJECTIONS**

5 1. Stern objects to each request to the extent that is overly broad and seeks
6 information that is neither relevant to this action nor reasonably calculated to lead to the
7 discovery of admissible evidence.

8 2. Stern objects to each request to the extent it purports to impose burdens that are
9 greater than or different from those imposed by the Federal Rule or applicable case law.

10 3. Stern objects to each request to the extent it seeks information protected by any
11 privilege, immunity, or protection from disclosure, including, without limitation, the attorney-
12 client privilege, the work product doctrine, the investigative privilege, or the party
13 communications privilege. Any inadvertent production of any privileged or protected
14 information shall not be deemed or construed to constitute a waiver of any privilege or right of
15 Stern.

16 4. Stern objects to each request to the extent it seeks documents that are not
17 currently within the possession, custody or control of Stern. Without limiting the foregoing,
18 Stern objects to each request to the extent it seeks documents in the possession, custody or
19 control of any third party.

20 5. Stern objects to each request to the extent it is vague and ambiguous.

21 6. Stern expressly reserves the right (a) to object to the use or admissibility at trial
22 or the settlement hearing of any discovery response; and (b) to revise, correct, add to or clarify
23 the objections or responses set forth herein and the production made pursuant thereto.

24 7. Stern objects to the definition of “you” and “your” as vague, ambiguous and
25 overbroad.

26 8. Stern objects to the definition of “Agreement” as overbroad, vague, ambiguous,
27 and unsupported by the record in this litigation.

28 9. Stern objects to the definition of “your website” as vague, ambiguous and
overbroad.

1 10. Stern objects to the definition “the AdWords website” as vague, ambiguous and
2 overbroad.

3 11. Stern objects to the Instructions as vague, ambiguous, overbroad.

4 12. Stern objects to the Instructions as they seek information that is neither relevant
5 nor reasonably calculated to lead to the discovery of admissible evidence.

6 13. Stern objects to the Instructions to the extent they purport to impose burdens that
7 are greater than or different from those imposed by the Federal Rules or applicable case law.

8 14. Stern objects to the Instructions to the extent they seek information protected by
9 any privilege, immunity, or protection from disclosure, including without limitation, the
10 attorney-client privilege, the work product doctrine, the investigative privilege, or the party
11 communications privilege.

12 15. All Stern’s General Objections shall be deemed applicable to each of the specific
13 requests, even if not further referred to in the Responses and Objections to Specific Document
14 Requests set forth below.

15 **RESPONSES AND OBJECTIONS TO SPECIFIC DOCUMENT REQUESTS**

16 **REQUEST FOR PRODUCTION NO. 13:**

17 All documents not previously produced that are responsive to Google’s document
18 requests served on July 17, 2006.

19 **RESPONSE TO REQUEST NO. 13:**

20 Stern incorporates by reference his General Objections. Subject to and without waiving
21 his General Objections, Stern will produce non-privileged documents, if any, responsive to this
22 request and not already produced.

23 **REQUEST FOR PRODUCTION NO. 14:**

24 All documents that reflect, describe, relate to, or constitute the Agreement.

25 **RESPONSE TO REQUEST NO. 14.:**

26 Stern incorporates by reference his General Objections. Subject to and without waiving
27 his General Objections, Stern will produce non-privileged documents, if any, responsive to this
28 request and not already produced.

REQUEST FOR PRODUCTION NO. 15:

1 All documents constituting correspondence or communications between you and Google
2 relating to advertising.

3 **RESPONSE TO REQUEST NO. 15:**

4 Stern incorporates by reference his General Objections. Subject to and without waiving
5 his General Objections, Stern will produce non-privileged documents, if any, responsive to this
6 request and not already produced.

7 **REQUEST FOR PRODUCTION NO. 16:**

8 All documents constituting correspondence or communications between you and entities
9 or individuals other than Google relating to advertising with Google or AdWords.

10 **RESPONSE TO REQUEST NO 16.:**

11 Stern incorporates by reference his General Objections. Stern objects to this request as
12 vague, overbroad, and unduly burdensome. Stern is prepared to confer regarding clarification
13 and narrowing the scope of this request.

14 **REQUEST FOR PRODUCTION NO. 17:**

15 All documents constituting correspondence or communications between you and entities
16 or individuals other than Google relating to online and/or offline advertising.

17 **RESPONSE TO REQUEST NO. 17:**

18 Stern incorporates by reference his General Objections. Stern objects to this request as
19 vague, overbroad, and unduly burdensome. Stern is prepared to confer regarding clarification
20 and narrowing the scope of this request.

21 **REQUEST FOR PRODUCTION NO. 18:**

22 All documents constituting or reflecting your internal budgets, financial plans or
23 strategies regarding online and/or offline advertising.

24 **RESPONSE TO REQUEST NO. 18:**

25 Stern incorporates by reference his General Objections. Subject to and without waiving
26 his General Objections, Stern states he has no responsive documents.

27
28 **REQUEST FOR PRODUCTION NO. 19:**

All documents constituting or reflecting your internal accounting records, ledgers,

1 invoices, bill and/or statements, for any and all AdWords services.

2 **RESPONSE TO REQUEST NO. 19:**

3 Stern incorporates by reference his General Objections. Subject to and without waiving
4 his General Objections, Stern will produce non-privileged documents, if any, responsive to this
5 request and not already produced.

6 **REQUEST FOR PRODUCTION NO. 20:**

7 All documents referring or relating to online and/or offline advertising you have
8 purchased from any individual or entity other than Google.

9 **RESPONSE TO REQUEST NO. 20:**

10 Stern incorporates by reference his General Objections. Subject to and without waiving
11 his General Objections, Stern states he has no responsive documents.

12 **REQUEST FOR PRODUCTION NO. 21:**

13 All documents constituting or reflecting your internal accounting records, ledgers,
14 invoices, bills and/or statements, for any and all online and/or offline advertising services
15 purchased or otherwise received from entities or individuals other than Google.

16 **RESPONSE TO REQUEST NO. 21:**

17 Stern incorporates by reference his General Objections. Subject to and without waiving
18 his General Objections, Stern states he has no responsive documents.

19 **REQUEST FOR PRODUCTION NO. 22:**

20 All documents constituting, referencing, discussing, or reflecting the AdWords website.

21 **RESPONSE TO REQUEST NO. 22:**

22 Stern incorporates by reference his General Objections. Subject to and without waiving
23 his General Objections, Stern will produce non-privileged documents, if any, responsive to this
24 request and not already produced.

25 **REQUEST FOR PRODUCTION NO. 23:**

26 All documents evidencing any and all times you visited the AdWords website.

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28 **RESPONSE TO REQUEST NO. 23:**

Stern incorporates by reference his General Objections. Subject to and without waiving

1 his General Objections, Stern will produce non-privileged documents, if any, responsive to this
2 request and not already produced.

3 **REQUEST FOR PRODUCTION NO. 24:**

4 All documents constituting or reflecting AdWords advertisements and/or promotional
5 materials.

6 **RESPONSE TO REQUEST NO. 24:**

7 Stern incorporates by reference his General Objections. Subject to and without waiving
8 his General Objections, Stern will produce non-privileged documents, if any, responsive to this
9 request and not already produced.

10 **REQUEST FOR PRODUCTION NO. 25:**

11 All documents constituting or reflecting advertisements and/or promotional materials for
12 online and/or offline advertising services provided by entities or individuals other than Google.

13 **RESPONSE TO REQUEST NO. 25:**

14 Stern incorporates by reference his General Objections. Subject to and without waiving
15 his General Objections, Stern states he has no responsive documents.

16 **REQUEST FOR PRODUCTION NO. 26:**

17 All documents constituting or reflecting AdWords Terms and Conditions in effect at any
18 point in time.

19 **RESPONSE TO REQUEST NO. 26:**

20 Stern incorporates by reference his General Objections. Subject to and without waiving
21 his General Objections, Stern will produce non-privileged documents, if any, responsive to this
22 request and not already produced.

23 **REQUEST FOR PRODUCTION NO. 27:**

24 All documents constituting, referring, or relating to AdWords FAQs in effect at any
25 point in time.

26 **RESPONSE TO REQUEST NO. 27:**

27 Stern incorporates by reference his General Objections. Subject to and without waiving
28 his General Objections, Stern will produce non-privileged documents, if any, responsive to this
request and not already produced.

1 **REQUEST FOR PRODUCTION NO. 28:**

2 All documents constituting, referring, or reflecting AdWords training or tutorial
3 materials, whether received from Google and/or any entity or individual other than Google.

4 **RESPONSE TO REQUEST NO. 28:**

5 Stern incorporates by reference his General Objections. Subject to and without waiving
6 his General Objections, Stern will produce non-privileged documents, if any, responsive to this
7 request and not already produced.

8 **REQUEST FOR PRODUCTION NO. 29:**

9 All documents constituting, referring, or relating to AdWords training which you
10 received from Google and/or entity or individual other than Google.

11 **RESPONSE TO REQUEST NO. 29:**

12 Stern incorporates by reference his General Objections. Subject to and without waiving
13 his General Objections, Stern will produce non-privileged documents, if any, responsive to this
14 request and not already produced.

15 **REQUEST FOR PRODUCTION NO. 30:**

16 All documents relating to your understanding of the term “Daily Budget” as used in
17 connection with Google AdWords.

18 **RESPONSE TO REQUEST NO. 30:**

19 Stern incorporates by reference his General Objections. Subject to and without waiving
20 his General Objections, Stern will produce non-privileged documents, if any, responsive to this
21 request and not already produced.

22 **REQUEST FOR PRODUCTION NO. 31:**

23 All documents referring or relating to the term “Daily Budget” used in connection with
24 Google AdWords.

25 **RESPONSE TO REQUEST NO. 31:**

26 Stern incorporates by reference his General Objections. Subject to and without waiving
27 his General Objections, Stern will produce non-privileged documents, if any, responsive to this
28 request and not already produced.

REQUEST FOR PRODUCTION NO. 32:

1 All documents upon which you based any decision to purchase advertising from Google

2 **RESPONSE TO REQUEST NO. 32:**

3 Stern incorporates by reference his General Objections. Subject to and without waiving
4 his General Objections, Stern will produce non-privileged documents, if any, responsive to this
5 request and not already produced.

6 **REQUEST FOR PRODUCTION NO. 33:**

7 All bank and credit card statements, and other documents reflecting charges and credits
8 from Google, not previously produced in this action.

9 **RESPONSE TO REQUEST NO. 33:**

10 Stern incorporates by reference his General Objections. Subject to and without waiving
11 his General Objections, Stern will produce non-privileged documents, if any, responsive to this
12 request and not already produced.

13 **REQUEST FOR PRODUCTION NO. 34:**

14 All documents reflecting, describing, evidencing or relating to each of your decisions, if
15 any, to pause and/or unpaue any of your AdWords campaigns.

16 **RESPONSE TO REQUEST NO. 34:**

17 Stern incorporates by reference his General Objections. Subject to and without waiving
18 his General Objections, Stern will produce non-privileged documents, if any, responsive to this
19 request and not already produced.

20 **REQUEST FOR PRODUCTION NO. 35:**

21 All documents referring or relating to each of your decisions, if any, to delete and/or
22 undelete any of your AdWords campaigns.

23 **RESPONSE TO REQUEST NO. 35:**

24 Stern incorporates by reference his General Objections. Subject to and without waiving
25 his General Objections, Stern will produce non-privileged documents, if any, responsive to this
26 request and not already produced.

27 **REQUEST FOR PRODUCTION NO. 36:**

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1 All documents referring or relating to each of your decisions, if any, to cancel advertising
2 purchased from Google.

3 **RESPONSE TO REQUEST NO. 36:**

4 Stern incorporates by reference his General Objections. Subject to and without waiving
5 his General Objections, Stern will produce non-privileged documents, if any, responsive to this
6 request and not already produced.

7 **REQUEST FOR PRODUCTION NO. 37:**

8 All documents referring or relating to Ad Scheduling.

9 **RESPONSE TO REQUEST NO. 37:**

10 Stern incorporates by reference his General Objections. Subject to and without waiving
11 his General Objections, Stern will produce non-privileged documents, if any, responsive to this
12 request and not already produced.

13 **REQUEST FOR PRODUCTION NO. 38:**

14 All documents referring or relating to AdWords campaigns for your website.

15 **RESPONSE TO REQUEST NO. 38:**

16 Stern incorporates by reference his General Objections. Subject to and without waiving
17 his General Objections, Stern will produce non-privileged documents, if any, responsive to this
18 request and not already produced.

19 **REQUEST FOR PRODUCTION NO. 39:**

20 All documents constituting correspondence or communications between you and Google
21 relating to advertising.

22 **RESPONSE TO REQUEST NO. 39:**

23 Stern incorporates by reference his General Objections. Subject to and without waiving
24 his General Objections, Stern will produce non-privileged documents, if any, responsive to this
25 request and not already produced.

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27 **REQUEST FOR PRODUCTION NO. 40:**

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1 All documents constituting correspondence or communications between you and entities
2 or individuals other than Google relating to online and/or offline advertising.

3 **RESPONSE TO REQUEST NO. 40:**

4 Stern incorporates by reference his General Objections. Subject to and without waiving
5 his General Objections, Stern states he has no responsive documents.

6 **REQUEST FOR PRODUCTION NO. 41:**

7 All documents constituting correspondence or communications between you and Google
8 relating to payments for advertising.

9 **RESPONSE TO REQUEST NO. 41:**

10 Stern incorporates by reference his General Objections. Subject to and without waiving
11 his General Objections, Stern will produce non-privileged documents, if any, responsive to this
12 request and not already produced.

13 **REQUEST FOR PRODUCTION NO. 42:**

14 All documents constituting correspondence or communications between you and entities
15 or individuals other than Google relating to payments for online and/or offline advertising.

16 **RESPONSE TO REQUEST NO. 42:**

17 Stern incorporates by reference his General Objections. Subject to and without waiving
18 his General Objections, Stern states he has no responsive documents.

19 **REQUEST FOR PRODUCTION NO. 43:**

20 All documents constituting correspondence or communications regarding Google.

21 **RESPONSE TO REQUEST NO. 43:**

22 Stern incorporates by reference his General Objections. Subject to and without waiving
23 his General Objections, Stern will produce non-privileged documents, if any, responsive to this
24 request and not already produced.

25 **REQUEST FOR PRODUCTION NO. 44:**

26 All documents constituting correspondence or communications regarding AdWords.

27 **RESPONSE TO REQUEST NO. 44:**

1 Stern incorporates by reference his General Objections. Subject to and without waiving
2 his General Objections, Stern will produce non-privileged documents, if any, responsive to this
3 request and not already produced.

4 **REQUEST FOR PRODUCTION NO. 45:**

5 For each purchase made by customers on your website, all documents sufficient to show
6 the date and time of the purchase, and the amount of the purchase.

7 **RESPONSE TO REQUEST NO. 45:**

8 Stern incorporates by reference his General Objections. Stern objects to this request as
9 vague, overbroad, and unduly burdensome. Stern is prepared to confer regarding clarification
10 and narrowing the scope of this request.

11 **REQUEST FOR PRODUCTION NO. 46:**

12 All documents which show traffic (visitors, unique visitors, purchases, etc.) on your
13 website, whether generated by you or a third party.

14 **RESPONSE TO REQUEST NO. 46:**

15 Stern incorporates by reference his General Objections. Stern objects to this request as
16 vague, overbroad, and unduly burdensome. Stern is prepared to confer regarding clarification
17 and narrowing the scope of this request.

18 **REQUEST FOR PRODUCTION NO. 47:**

19 All documents referring or relating to statistics, volume, purchase reports or other
20 information regarding visitors and unique visitors to your website, whether generated by you or a
21 third party.

22 **RESPONSE TO REQUEST NO. 47:**

23 Stern incorporates by reference his General Objections. Stern objects to this request as
24 vague, overbroad, and unduly burdensome. Stern is prepared to confer regarding clarification
25 and narrowing the scope of this request.

26 **REQUEST FOR PRODUCTION NO. 48:**

27 All documents referring or relating to website analytics for your website, whether
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1 generated by you or a third party.

2 **RESPONSE TO REQUEST NO. 48:**

3 Stern incorporates by reference his General Objections. Stern objects to this request as
4 vague, overbroad, and unduly burdensome. Stern is prepared to confer regarding clarification
5 and narrowing the scope of this request.

6 **REQUEST FOR PRODUCTION NO. 49:**

7 All documents constituting communications between you and any entity or individual
8 responsible for tracking, analyzing or monitoring visitors to your website and/or purchases made
9 on your website.

10 **RESPONSE TO REQUEST NO. 49:**

11 Stern incorporates by reference his General Objections. Stern objects to this request as
12 vague, overbroad, and unduly burdensome. Stern is prepared to confer regarding clarification
13 and narrowing the scope of this request.

14 **REQUEST FOR PRODUCTION NO. 50:**

15 For each product and/or service you currently sell and/or have sold at any time, all
16 documents referring or relating to and/or tracking purchases and sales of those products and/or
17 services, including but not limited to, purchase reports, sales volume reports, or sales volume
18 estimates, on a daily, weekly, monthly, quarterly and/or annual basis.

19 **RESPONSE TO REQUEST NO. 50:**

20 Stern incorporates by reference his General Objections. Stern objects to this request as
21 vague, overbroad, and unduly burdensome. Stern is prepared to confer regarding clarification
22 and narrowing the scope of this request.

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25 **REQUEST FOR PRODUCTION NO. 51:**

26 For each product and/or service you currently sell and/or have sold at any time, all
27 documents constituting customer orders for purchase of the product sufficient to show the date

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1 the product and/or service was purchased, the amount of the purchase and the products and/or
2 services purchased.

3 **RESPONSE TO REQUEST NO. 51:**

4 Stern incorporates by reference his General Objections. Stern objects to this request as
5 vague, overbroad, and unduly burdensome. Stern is prepared to confer regarding clarification
6 and narrowing the scope of this request.

7 **REQUEST FOR PRODUCTION NO. 52:**

8 All documents referring or relating to your sales volume.

9 **RESPONSE TO REQUEST NO. 52:**

10 Stern incorporates by reference his General Objections. Stern objects to this request as
11 vague, overbroad, and unduly burdensome. Stern is prepared to confer regarding clarification
12 and narrowing the scope of this request.

13 **REQUEST FOR PRODUCTION NO. 53:**

14 All documents referring or relating to demand for each product and/or service you
15 currently sell and/or have sold at any time.

16 **RESPONSE TO REQUEST NO. 53:**

17 Stern incorporates by reference his General Objections. Stern objects to this request as
18 vague, overbroad, and unduly burdensome. Stern is prepared to confer regarding clarification
19 and narrowing the scope of this request.

20 **REQUEST FOR PRODUCTION NO. 54:**

21 All documents referring or relating to your fulfillment of purchase orders.

22 **RESPONSE TO REQUEST NO. 54:**

23 Stern incorporates by reference his General Objections. Stern objects to this request as
24 vague, overbroad, and unduly burdensome. Stern is prepared to confer regarding clarification
25 and narrowing the scope of this request.

26 **REQUEST FOR PRODUCTION NO. 55:**

27 All documents constituting or relating to communications between you and your
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1 customers regarding your inability to deliver or provide product(s) and/or services your
2 customers purchased.

3 **RESPONSE TO REQUEST NO. 55:**

4 Stern incorporates by reference his General Objections. Subject to and without waiving
5 his General Objections, Stern states he has no responsive documents.

6 **REQUEST FOR PRODUCTION NO. 56:**

7 All documents referring or relating to your inability to fulfill orders from your customers.

8 **RESPONSE TO REQUEST NO. 56:**

9 Stern incorporates by reference his General Objections. Subject to and without waiving
10 his General Objections, Stern states he has no responsive documents.

11 **REQUEST FOR PRODUCTION NO. 57:**

12 All documents referring or relating to your inventory.

13 **RESPONSE TO REQUEST NO. 57:**

14 Stern incorporates by reference his General Objections. Subject to and without waiving
15 his General Objections, Stern states he has no responsive documents.

16 **REQUEST FOR PRODUCTION NO. 58:**

17 All documents constituting shipping or delivery records for products and/or services
18 delivered to customers who placed orders through your website.

19 **RESPONSE TO REQUEST NO. 58:**

20 Stern incorporates by reference his General Objections. Subject to and without waiving
21 his General Objections, Stern states he has no responsive documents.

22 **REQUEST FOR PRODUCTION NO. 59:**

23 All documents constituting shipping or delivery records for products and/or services
24 delivered to customers who placed orders through means other than your website, including but
25 not limited to, via mail, telephone and/or in person.

26 **RESPONSE TO REQUEST NO. 59:**

27 Stern incorporates by reference his General Objections. Subject to and without waiving
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1 his General Objections, Stern states he has no responsive documents.

2 **REQUEST FOR PRODUCTION NO. 60:**

3 All documents constituting or reflecting every advertisement you have purchased and/or
4 placed, including online advertising and offline advertising.

5 **RESPONSE TO REQUEST NO. 60:**

6 Stern incorporates by reference his General Objections. Stern objects to this request as
7 vague, overbroad, and unduly burdensome. Stern is prepared to confer regarding clarification
8 and narrowing the scope of this request.

9 **REQUEST FOR PRODUCTION NO. 61:**

10 All documents constituting or relating to communications between you and your
11 customers regarding reasons for their purchases.

12 **RESPONSE TO REQUEST NO. 61:**

13 Stern incorporates by reference his General Objections. Subject to and without waiving
14 its General Objections, Stern states he has no responsive documents.

15 **REQUEST FOR PRODUCTION NO. 62:**

16 All documents constituting or relating to surveys and/or questionnaires (including but not
17 limited to the surveys and/or questionnaires and/or any responses thereto) you sent to your
18 customers regarding reasons for their purchases.

19 **RESPONSE TO REQUEST NO. 62:**

20 Stern incorporates by reference his General Objections. Subject to and without waiving
21 its General Objections, Stern states he has no responsive documents.

22 **REQUEST FOR PRODUCTION NO. 63:**

23 All documents constituting or relating to communications between you and your
24 customers regarding how they were directed to your website.

25 **RESPONSE TO REQUEST NO. 63:**

26 Stern incorporates by reference his General Objections. Subject to and without waiving
27 his General Objections, Stern states he has no responsive documents.

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1 **REQUEST FOR PRODUCTION NO. 64:**

2 All documents constituting surveys and/or questionnaires (including but not limited to
3 the surveys and/or questionnaires and/or any responses thereto) you sent to your customers
4 regarding how they were directed to your website.

5 **RESPONSE TO REQUEST NO. 64:**

6 Stern incorporates by reference his General Objections. Subject to and without waiving
7 his General Objections, Stern states he has no responsive documents.

8 **REQUEST FOR PRODUCTION NO. 65:**

9 All documents relating to hosting, managing or otherwise maintaining your website.

10 **RESPONSE TO REQUEST NO. 65:**

11 Stern incorporates by reference his General Objections. Stern objects to this request as
12 vague, overbroad, and unduly burdensome. Stern is prepared to confer regarding clarification
13 and narrowing the scope of this request.

14 **REQUEST FOR PRODUCTION NO. 66:**

15 All documents constituting correspondence or communications with entities or
16 individuals responsible for hosting, managing or otherwise maintaining your website.

17 **RESPONSE TO REQUEST NO. 66:**

18 Stern incorporates by reference his General Objections. Stern objects to this request as
19 vague, overbroad, and unduly burdensome. Stern is prepared to confer regarding clarification
20 and narrowing the scope of this request.

21 **REQUEST FOR PRODUCTION NO. 67:**

22 All documents constituting correspondence or communications with entities or
23 individuals responsible for purchasing advertising on your behalf.

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25 **RESPONSE TO REQUEST NO. 67:**

26 Stern incorporates by reference his General Objections. Subject to and without waiving
27 his General Objections, Stern states he has no responsive documents.

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1 **REQUEST FOR PRODUCTION NO. 68:**

2 All documents upon which you rely in support of your claim that you sustained damages
3 or other injury as a result of the conduct of Google as alleged by you in this action.

4 **RESPONSE TO REQUEST NO. 68:**

5 Stern incorporates by reference his General Objections. Subject to and without waiving
6 his General Objections, Stern will produce non-privileged documents, if any, responsive to this
7 request and not already produced.

8 **REQUEST FOR PRODUCTION NO. 69:**

9 All documents relating to damages or other injury you claim to have sustained as a result
10 of the conduct of Google as alleged by you in this action.

11 **RESPONSE TO REQUEST NO. 69:**

12 Stern incorporates by reference his General Objections. Subject to and without waiving
13 his General Objections, Stern will produce non-privileged documents, if any, responsive to this
14 request and not already produced.

15 **REQUEST FOR PRODUCTION NO. 70:**

16 All documents referring to, relating to, or constituting ledgers, spreadsheets, software,
17 accounting tools or other records you use to track revenue from advertising placed using Google.

18 **RESPONSE TO REQUEST NO. 70:**

19 Stern incorporates by reference his General Objections. Subject to and without waiving
20 his General Objections, Stern states he has no responsive documents.

21 **REQUEST FOR PRODUCTION NO. 71:**

22 All documents referring to, relating to, or constituting ledgers, spreadsheets, software,
23 accounting tools or other records you use to track revenue from online and/or offline advertising
24 placed using entities or individuals other than Google.

25 **RESPONSE TO REQUEST NO. 71:**

26 Stern incorporates by reference his General Objections. Subject to and without waiving
27 his General Objections, Stern states he has no responsive documents.

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1 **REQUEST FOR PRODUCTION NO. 72:**

2 All documents referring to, relating to or constituting ledgers, spreadsheets, software,
3 accounting tools or other records you use to track customer order fulfillment.

4 **RESPONSE TO REQUEST NO. 72:**

5 Stern incorporates by reference his General Objections. Subject to and without waiving
6 his General Objections, Stern states he has no responsive documents.

7 **REQUEST FOR PRODUCTION NO. 73:**

8 All documents referring to or constituting ledgers, spreadsheets, software, accounting
9 tools or other records you use to determine: (1) whether to pause and/or unpauses Ad Campaigns
10 and/or Ad Groups; (2) whether to delete and/or undelete Ad Campaigns or Ad Group, and (3)
11 whether to use Ad Scheduling.

12 **RESPONSE TO REQUEST NO. 73:**

13 Stern incorporates by reference his General Objections. Subject to and without waiving
14 his General Objections, Stern will produce non-privileged documents, if any, responsive to this
15 request and not already produced.

16 **REQUESTS FOR PRODUCTION NO. 74:**

17 All documents constituting your profit and loss statements, balance sheets, and financial
18 summaries.

19 **RESPONSE TO REQUEST NO. 74:**

20 Stern incorporates by reference his General Objections. Stern objects to this request as
21 vague, overbroad, and unduly burdensome. Stern is prepared to confer regarding clarification
22 and narrowing the scope of this request.

23 **REQUEST FOR PRODUCTION NO. 75:**

24 All documents, referring or relating to other actions in which you or any officer,
25 director or shareholder have been a party.

26 **RESPONSE TO REQUEST NO. 75:**

27 Stern incorporates by reference his General Objections. Stern objects to this request as
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1 vague, overbroad, and unduly burdensome. Stern is prepared to confer regarding clarification
2 and narrowing the scope of this request.

3 **REQUEST FOR PRODUCTION NO. 76:**

4 All documents upon which you rely in support of your claim that you have standing to
5 sue under Bus & Prof. Code §§ 17200 and 17500 as a person who has “suffered injury in fact
6 and....lost money or property” as a result of the conduct of Google.

7 **RESPONSE TO REQUEST NO. 76:**

8 Stern incorporates by reference his General Objections. Subject to and without waiving
9 his General Objections, Stern will produce non-privileged documents, if any, responsive to this
10 request and not already produced.

11 Dated: August 25, 2008

12 LESTER L. LEVY (*Admitted Pro Hac Vice*)
13 MICHELE FRIED RAPHAEL (*Admitted Pro Hac Vice*)
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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

CLRB HANSON INDUSTRIES, LLC d/b/a
INDUSTRIAL PRINTING, and HOWARD
STERN, on behalf of themselves and all
others similarly situated,

Plaintiffs,

vs.

GOOGLE, INC.,

Defendant.

Case No. C 05-03649 JW

The Hon. James W. Ware

Hon. Patricia V. Trumbull
United States Magistrate Judge
Courtroom 5

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 25th day of August, 2008, a copy of the following:

- CLRB HANSON INDUSTRIES LLC'S RESPONSE TO DEFENDANT GOOGLE INC'S REQUEST FOR PRODUCTION OF DOCUMENTS (SET TWO)
- HOWARD STERN'S RESPONSE TO DEFENDANT GOOGLE INC'S REQUEST FOR PRODUCTION OF DOCUMENTS (SET TWO)

was sent via E-mail and First Class Mail to:

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