

1 Defendant Google, Inc.'s Motion for an Accounting of Plaintiffs' Apparent Destruction
2 of Relevant Documents and Motion To Compel Further Responses To Interrogatories ("Motion
3 to Compel"), having come on for hearing, the Court having considered all relevant documents
4 and evidence and having considered the arguments of counsel, and GOOD CAUSE appearing
5 therefore:

6 IT IS HEREBY ORDERED THAT:

7 1. Google's Motion to Compel is GRANTED.
8 2. Within five days of this Order, each Plaintiff shall file with the Court an
9 accounting of the steps taken to preserve and collect relevant materials. Both statements shall be
10 verified by the Plaintiff submitting it and by counsel and shall specify (1) who conducted the
11 searches; (2) what was searched; (3) how the searches were conducted; (4) the identity and
12 location of any relevant materials over which they claim they do not control; (5) the identity of
13 all responsive materials that no longer exist; (6) the specific circumstances concerning the
14 destruction or loss of any responsive materials (including the dates and manner of loss and
15 copies of all materials documenting such loss, including but not limited to police reports and
16 insurance claims); (7) all steps Plaintiffs have taken to preserve relevant materials since they
17 first reasonably anticipated filing this action; (8) any instructions ever provided by counsel to
18 preserve materials relevant to this action; (9) any discovery sanctions in any other action ever
19 imposed on them or entities they controlled. The statement submitted by CLRB Hanson shall
20 further explain the apparent contradiction between its representation that it "stopped doing
21 business in November 2005" and thus has no subsequent relevant materials and representations
22 made in its pleadings, in sworn testimony, and elsewhere in this case suggesting that it continued
23 to be an AdWords advertiser in 2006 and 2007.

24 3. Following submission of the verified statements, Google may seek further
25 appropriate relief. Any such motion shall be made on two week's notice. The opposition to the
26 motion shall be filed five days before the noticed hearing, and the reply shall be file three days
27 before the hearing.
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1 4. Within five days of this Order, Plaintiff CLRB Hanson shall, without objections,
2 amend its responses to (a) Interrogatory No. 5 by providing a specific statement of the date on
3 which each it first became aware of the 120% Rule; (b) Interrogatory No. 2 by providing the
4 monetary amount of damages it claims it sustained as a result of any conduct and/or omission of
5 Google; (c) Interrogatory No. 3 by describing in detail how it calculated the amount of pecuniary
6 damages claimed in this action; and (d) Interrogatory No. 18 by identifying the ad campaign, the
7 related account name, and the account number of each AdWords ad campaign that Brett Hanson
8 created, edited or managed for SECOA Inc. and Hanson Industries.

9 5. Within five days of this Order, Plaintiff Stern shall, without objections, amend his
10 responses to (a) Interrogatory No. 5 by providing a specific statement of the date on which each
11 he first became aware of the 120% Rule; (b) Interrogatory No. 2 by providing the monetary
12 amount of damages he claims he sustained as a result of any conduct and/or omission of Google;
13 and (c) Interrogatory No. 3 by describing in detail how he calculated the amount of pecuniary
14 damages claimed in this action.

15 IT IS SO ORDERED.

16 DATED: _____, 2009

17 Honorable Patricia V. Trumbull
U.S.D.C., Northern District of California