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 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN JOSE DIVISION

11 KINDERSTART.COM LLC, a California
 12 limited liability company, on behalf of itself and
 all others similarly situated,

13 Plaintiffs,

14 v.

15 GOOGLE, INC., a Delaware corporation,

16 Defendant.

Case No. C 06-2057 JF

**DECLARATION OF VICTOR B.
 GOODMAN IN SUPPORT OF
 PLAINTIFF'S MOTION FOR
 PRELIMINARY INJUNCTION
 AGAINST FURTHER FREE SPEECH
 VIOLATIONS**

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 18 I, VICTOR GOODMAN, HEREBY DECLARE AS FOLLOWS:

19 1. My name is Victor B. Goodman, and I am a resident of the City of Los Angeles,
 20 State of California. I submit this Declaration in support of Plaintiff's Motion for Preliminary
 21 Injunction. This Declaration is based upon my personal knowledge and, where noted, on
 22 information and belief following a review of relevant business records or independent
 23 investigation, or both, as the case may be regarding the matters set forth below.

24 2. I am member and a manager of KinderStart.com LLC, a California limited
 25 liability company ("KinderStart"), which is headquartered in Norwalk, California. I have a
 26 Doctorate in Educational Policy Analysis from the University of California, Los Angeles, and
 27 have worked extensively in Internet technology and as a teacher in the Los Angeles Unified
 28 Public School District.

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1 3. In 2000, KinderStart was founded and the Website www.kinderstart.com
2 (“KS.com”) was launched. KinderStart fueled growth with a financial investment in the high-six
3 figures. I was the director and Sara Lewis was hired to assist in the site development. This site
4 is the largest, oldest and most organized indexed directory on the Internet with information for
5 parents, caregivers and perhaps teachers of children aged seven and under. With over 1,600
6 categories and sub-categories in its taxonomy, it remains as the Internet’s easiest and fastest way
7 for parents to get a wealth and depth of information about subjects ranging from child
8 development, child health issues to issues of pregnancy birth, and education and care of young
9 children and infants. Our site has been recognized and featured by countless state and local
10 public libraries, early childhood programs, *The New York Times*, The University of Pittsburgh
11 School of Education, and various state and federal governments around the world. Also,
12 KinderStart has joint promotional efforts underway with PBS and Teletubbies, just to name a
13 few. These endorsements were the result of extremely hard work from our team and volunteers.

14 4. The outcome for www.kinderstart.com was a robust, valuable, and freely-
15 available index and organization of data and search engine which KinderStart carefully
16 compiled. This index serves a real function, as unlike broad general search engines it is sharp,
17 focused and highly relevant to our core audiences. Our traffic continued to expand in a geometric
18 quality as hundreds of thousands of parents and caregivers found our focus useful. By February
19 2005, our Website was presenting 10 million page views monthly to an estimated 100,000
20 visitors over the Internet. The site had consistently earned a PageRank of up to ‘5’ and higher
21 under Google’s PageRank system. All search services were and are provided to our target
22 audience of parents and caregivers. KinderStart maintains no registry of our visitors.

23 5. On information and belief, KS.com was abruptly and intentionally removed from
24 Google’s Web Index on March 19, 2005 or later. Our PageRank sank to ‘0’. No one at
25 KinderStart, including myself ever received any advance notice from Google about the
26 occurrence, cause or reason for the Website’s removal. Thereafter, I noted many key word
27 selections and permutations that no longer would produce the appearance of KS.com in Google
28

1 search results pages. Attached is a list of selected relevant search terms that generated favorable
2 and meaningful search results from Google's search engine.

3 6. During 2005, I attempted to get our Website restored in PageRank, indexing and
4 traffic. Nothing improved. Even after filing this action, there was no material improvement in
5 the recognition of the Website or our traffic. On information and belief, the lost traffic to our
6 Website was sent elsewhere, perhaps to sites with AdWords accounts with Google.

7 7. After this action was filed, Google inexplicably raised KS.com's PageRank from
8 '0' to '7'.

9 8. When Google dropped our Website, they denied parents and caregivers access to
10 this useful resource. Google essentially muted the multitude of voices found at the KS.com site
11 that assists parents around the U.S. and the world to locate vital information about infant and
12 toddler health and education needs. All this was done without any warning whatsoever to
13 KinderStart, our linked organizations and sites within our index, and parents and caregivers.

14 9. Parents and other visitors to KS.com are harmed, even permanently, from not
15 being exposed to the beneficial free speech offered by KinderStart. As infants, toddlers and
16 children get older and grow quickly, it is absolutely essential to present and replenish our content
17 and appeal and reach out to new parents and caregivers every single day. Thousands of expectant
18 and new parents need fresh, valuable Internet content as their newborns become infants, then
19 toddlers, then kindergarteners and beyond. For this reason, KS.com is an absolutely essential
20 channel of information, viewpoints, and opinions on the growth, health, nurture, and care of our
21 country's most precious resource. As an educator and parent myself, this is expression of the
22 highest order over the Internet and in the public domain at large.

23 I DECLARE UNDER PENALTY OF PERJURY, that the above is based on my personal
24 knowledge, and where indicated, upon information and belief.

25 Executed on this 25 day of May, 2006 in Los Angeles, California.

26
27 By: 
28 VICTOR B. GOODMAN

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28	1109	0.00%	http://64.233.187.104/search
29	1101	0.00%	http://216.239.57.104/search
30	1075	0.00%	http://216.239.63.104/search

Top 20 of 83660 Total Search Strings

#	Hits		Search String
1	887	0.62%	child development
2	378	0.27%	toddler recipes
3	338	0.24%	alphabet letters
4	260	0.18%	kindergarten activities
5	258	0.18%	baby photography
6	193	0.14%	infant teething
7	171	0.12%	baby swings
8	168	0.12%	kids games online
9	162	0.11%	educational websites for kids
10	155	0.11%	kinderstart
11	154	0.11%	online kids games
12	147	0.10%	recipes for toddlers
13	145	0.10%	hand painted furniture
14	144	0.10%	learning activities
15	141	0.10%	hack hotmail
16	136	0.10%	food minerals
17	124	0.09%	simple magic tricks
18	121	0.09%	dinosaur crafts
19	114	0.08%	yahoo passwords
20	113	0.08%	email for kids

Top 13 of 13 Total Usernames

#	Hits		Files		KBytes		Visits		Username
1	25310	0.06%	25310	0.13%	6554	0.01%	9	0.00%	cisco
2	26	0.00%	26	0.00%	5	0.00%	1	0.00%	thompsonbe
3	19	0.00%	19	0.00%	359	0.00%	1	0.00%	cmsinke
4	17	0.00%	17	0.00%	269	0.00%	1	0.00%	Karen
5	11	0.00%	11	0.00%	4	0.00%	1	0.00%	u155239
6	3	0.00%	3	0.00%	51	0.00%	1	0.00%	SEBATHIAN
7	3	0.00%	3	0.00%	53	0.00%	1	0.00%	grossbell
8	3	0.00%	3	0.00%	0	0.00%	1	0.00%	mmcleod1
9	2	0.00%	2	0.00%	1	0.00%	1	0.00%	U183811
10	2	0.00%	2	0.00%	31	0.00%	1	0.00%	linzeh