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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

**PLAINTIFF'S ADMINISTRATIVE
 MOTION UNDER LOCAL RULE 7-11
 TO EXCEED PAGE LENGTH OF
 MOTION FOR PRELIMINARY
 INJUNCTION FILED MAY 26, 2006**

17 **PROCEDURAL SETTING FOR THIS MOTION**

18
 19 On May 26, 2006, Plaintiff KinderStart.com LLC (KSC) noticed and filed its Motion for
 20 Preliminary Injunction Against Further Free Speech Violations ("Injunction Motion"), which
 21 was properly calendared for the hearing date of June 30, 2006. The Injunction Motion was 48
 22 pages in length, which exceed the 25-page limit under L.R. 7-2(b). Accordingly, Plaintiff KSC
 23 makes this motion under L.R. 7-11 to allow the Injunction Motion to exceed the standard limit.

24 **GROUND FOR THE EXCESSIVE LENGTH OF THE INJUNCTION MOTION**

25 The Injunction Motion rests on the question of whether and how the conduct and so-
 26 called "speech" asserted by Defendant Google can lawfully suppress the search engine links and
 27 views to hundreds of sites and thousands of user-browsers on the Internet. The following
 28 reasons explain the need for the excess length:

PLAINTIFFS' ADMINISTRATIVE MOTION
 UNDER L.R. 7-11 AS TO INJUNCTION
 MOTION PAGE LENGTH

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1 1. The motion required detailed discussion and analysis of the Internet and search
2 engine functionality and usage. A Federal judge called the Internet “the most participatory
3 marketplace of mass speech that this country-and indeed the world-has yet seen.” *Reno v.*
4 *ACLU*, 929 F. Supp. 824, 881 (E.D. Pa. 1996), *aff’d* 521 U.S. 844 (1997). Internet speech comes
5 with complexity of form, which must be parsed to evaluate the relief sought by Plaintiff.

6 2. “Public forum” analysis for free speech protection promulgated by the Supreme
7 Court is in conflict as to physical spaces. The Injunction Motion required extensive dissection
8 of the prevailing law here as applied to the Internet, including search engines.

9 3. The presence of state action in this case requires an application of the U.S.
10 Supreme Court’s standard of “public entwinement”. *Brentwood Academy v. Tennessee*
11 *Secondary School Athletic Assn.*, 531 U.S. 288 (2001). First, this standard is amorphous at best
12 and involves a variety of tests. Second, its application requires a meticulous fact-driven
13 evaluation of entwinement. Accordingly, Plaintiff in seeking to demonstrate the probability of
14 prevailing on the merits was required to address a variety of evidentiary support for entwinement
15 between Google and government.

16 One legal commentator acknowledges the judicial challenge here as follows:

17 [F]ree speech values must be articulated and protected in new ways, in particular,
18 through the design of technology and through legislative and administrative regulation of
19 technology, in addition to the traditional focus on judicial doctrines that protect
20 constitutional rights.

21 Jack Balkin, “*Digital Speech and Democratic Culture: A Theory of Freedom of Expression for*
22 *the Information Society*,” 79 N.Y.U L. Rev. 1, 52 (2004).

23 Therefore, in light of myriad facts and evolving legal standards, plaintiff respectfully
24 requests the Court to allow the excess length of Plaintiff’s Injunction Motion on file.

25 Dated: June 1, 2006

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26 By: _____/s/ Gregory J. Yu_____

Gregory J. Yu, Esq.

27 Attorney for Plaintiff KinderStart.com LLC and
28 for the proposed Class and Subclasses