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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 RANDALL  
 McCARLEY IN SUPPORT OF  
 (1) OPPOSITION TO DEFENDANT'S  
 SPECIAL MOTION TO STRIKE  
 PURSUANT TO CCP § 425.16 AND  
 (2) PLAINTIFFS' MOTION FOR  
 DISCOVERY OF EVIDENCE OF  
 DEFENDANT'S SPEECH AND  
 CONDUCT**

18  
 19 I, RANDALL McCARLEY, HEREBY DECLARE AS FOLLOWS:

20 1. I am sole proprietor of a firm called 14<sup>th</sup> Colony based in Sacramento, California,  
 21 and if called to testify on the matters below, could competently do so based on my personal  
 22 knowledge.

23 2. For the past eight years, I have worked with hundreds of people on Website  
 24 concept, design, implementation, tracking updates and upgrades. Over the past year, I have  
 25 worked to determine if their sites are designed to make them appealing, user-friendly, and  
 26 accessible through a search engine.

27 3. I regularly review the "Google Webmaster Guidelines" posted on Google's Website  
 28 and am familiar with the basic operation of PageRank and backlinks for Websites.

DECLARATION OF RANDALL McCARLEY RE  
 OPPOSITION TO DEFENDANT'S SPECIAL  
 PLAINTIFFS' DISCOVERY MOTION

- 1 -

Case No. C 06-2057 JF

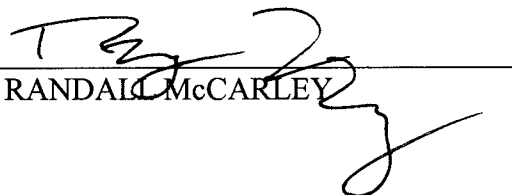
1           4. I have performed a technical review of www.kinderstart.com (“KS.com”), and its  
 2 internal content. KS.com has over 20,000 backlinks, which are forward links from other  
 3 Websites into KS.com. It is my opinion that if KS.com was assigned a ‘0’ PageRank by Google,  
 4 Inc., it would be programmatically, algorithmically and mathematically impossible. The only  
 5 means that a ‘0’ PageRank would arise under these conditions is a step to penalize this Website.  
 6 In performing a word search of “kinderstart” on Google’s search engine on this date, there is no  
 7 displayed listing on the first 10 pages of search results with KS.com. Nowhere do the results  
 8 pages indicate that the results have been censored.

9           5. I have periodically performed key word searches using Google’s search engine and  
 10 reviewed the PageRanks of Websites listed on search results. To the best of my knowledge,  
 11 there is no direct, absolute correlation between the order in which Websites in the search results  
 12 appear and the respective PageRanks of such listed Websites.

13           6. On information and belief, and to the best of my knowledge, no party or person,  
 14 other than certain persons inside of Google, has the means, ability, tools, knowledge, access, or  
 15 know-how to be able to perform a calculation of PageRank for Websites, including KS.com.  
 16 All such means to accurately calculate PageRank of a Website are within Google’s exclusive  
 17 control and oversight.

18           I DECLARE UNDER PENALTY OF PERJURY, that the above is based on my personal  
 19 knowledge, except for those matters above stated on information and belief.

20           Executed on this 8<sup>th</sup> day of June, 2006 in Sacramento, California.

21  
 22 By:   
 23 RANDALL McCARLEY