Doc. 29 Att. 2 Kinderstart.Com, LLC v. Google, Inc. Case 5:06-cv-02057-JF Document 29-3 Filed 06/16/2006 Page 1 of 2 1 Gregory J. Yu (State Bar No. 133955) GLOBAL LAW GROUP 2 2015 Pioneer Court, Suite P-1 San Mateo, CA 94403 Telephone: (650) 570-4140 3 Facsimile: (650) 570-4142 E-mail: glgroup [at] inreach [dot] com 4 5 Attorney for Plaintiffs and Proposed Class and Subclasses 6 7 8 UNITED STATES DISTRICT COURT 9 NORTHERN DISTRICT OF CALIFORNIA 10 SAN JOSE DIVISION 11 KINDERSTART.COM LLC, a California Case No. C 06-2057 JF limited liability company, on behalf of itself and 12 all others similarly situated, **DECLARATION OF RANDALL** McCARLEY IN SUPPORT OF 13 Plaintiffs, (1) OPPOSITION TO DEFENDANT'S SPECIAL MOTION TO STRIKE 14 PURSUANT TO CCP § 425.16 AND v. (2) PLAINTIFFS' MOŤION FOR 15 GOOGLE, INC., a Delaware corporation, DISCOVERY OF EVIDENCE OF DEFENDANT'S SPEECH AND 16 Defendant. CONDUCT 17 18 19 I, RANDALL McCARLEY, HEREBY DECLARE AS FOLLOWS: I am sole proprietor of a firm called 14<sup>th</sup> Colony based in Sacramento, California, 20 21 and if called to testify on the matters below, could competently do so based on my personal 22 knowledge. 23 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 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 Case No. C 06-2057 JF - 1 -OPPOSITION TO DEFENDANT'S SPECIAL PLAINTIFFS' DISCOVERY MOTION

- 4. I have performed a technical review of www.kinderstart.com ("KS.com"), and its internal content. KS.com has over 20,000 backlinks, which are forward links from other Websites into KS.com. It is my opinion that if KS.com was assigned a '0' PageRank by Google, Inc., it would be programmatically, algorithmically and mathematically impossible. The only means that a '0' PageRank would arise under these conditions is a step to penalize this Website. In performing a word search of "kinderstart" on Google's search engine on this date, there is no displayed listing on the first 10 pages of search results with KS.com Nowhere do the results pages indicate that the results have been censored.
- 5. I have periodically performed key word searches using Google's search engine and reviewed the PageRanks of Websites listed on search results. To the best of my knowledge, there is no direct, absolute correlation between the order in which Websites in the search results appear and the respective PageRanks of such listed Websites.
- On information and belief, and to the best of my knowledge, no party or person, 6. other than certain persons inside of Google, has the means, ability, tools, knowledge, access, or know-how to be able to perform a calculation of PageRank for Websites, including KS.com. All such means to accurately calculate PageRank of a Website are within Google's exclusive control and oversight.

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

Executed on this & Hday of June, 2006 in Sacramento, California.

ANDAIL McCARLEY