

KinderStart.com LLC v. Google, Inc.

C 06-2057 JF

## EXHIBIT 3

DECLARATION OF RANDALL McCARLEY  
IN SUPPORT OF  
PLAINTIFFS' OPPOSITION TO  
DEFENDANT'S MOTION FOR SANCTIONS  
AGAINST PLAINTIFF AND ITS LEGAL COUNSEL  
UNDER FED.R.CIV.P. 11

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

<p>12 KINDERSTART.COM LLC, a California 13 limited liability company, on behalf of itself and 14 all others similarly situated,  15 Plaintiffs,  16 v.  17 GOOGLE, INC., a Delaware corporation,  18 Defendant.</p>	<p>19 Case No. C 06-2057 JF  20 <b>DECLARATION OF RANDALL 21 McCARLEY IN SUPPORT OF 22 PLAINTIFF'S OPPOSITION TO 23 DEFENDANT'S MOTION FOR 24 SANCTIONS AGAINST 25 KINDERSTART AND ITS LEGAL 26 COUNSEL UNDER FED. R. CIV. P. 11</b></p>
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18 I, RANDALL McCARLEY, HEREBY DECLARE AS FOLLOWS:

- 19 1. I am sole proprietor of a firm called 14<sup>th</sup> Colony based in Sacramento, California.
- 20 2. For the past 10 years, I have worked with numerous clients and their Websites to  
21 determine if their sites are designed in a way and manner to make them appealing, user-friendly,  
22 and accessible through a search engine.
- 23 3. Since 1999, I have regularly used the search engine of Google at [www.google.com](http://www.google.com)  
24 multiple times each week on various topics. I have used the engine for both personal reasons  
25 and client-related reasons. For client work, I carefully examine key word search engine results  
26 pages generated by Google's engine. In all of my searches with Google's engine within the  
27 U.S., I have never seen on a search engine results page any notice that the certain search results  
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1 were removed from view because of censorship or violation of Webmaster guidelines. Before  
2 September 22, 2006, I communicated to Plaintiffs' counsel by telephone the foregoing  
3 information about my search engine use and experience.

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

6 Executed on this 16th day of November, 2006 in Sacramento, California.

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By: /s/ Randall McCarley  
RANDALL McCARLEY