

# EXHIBIT D

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7 Attorneys for Defendant Google Inc.

8  
9 **UNITED STATES DISTRICT COURT**

10 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

11  
12 CLRB HANSON INDUSTRIES, LLC d/b/a  
INDUSTRIAL PRINTING, and HOWARD  
13 STERN, on behalf of themselves and all others  
similarly situated,

14 Plaintiffs,

15 v.

16 GOOGLE, INC.,

17 Defendant.  
18

CASE NO. C 05-03649 JW

**DEFENDANT GOOGLE INC.'S  
OBJECTIONS TO PLAINTIFFS'  
NOTICE OF DEPOSITION**

19  
20 Pursuant to the Federal Rules of Civil Procedure ("FRCP"), and in response to plaintiffs  
21 CLRB Hanson Industries, LLC, d/b/a Industrial Printing, and Howard Stern's ("plaintiffs")  
22 FRCP 26 and 30(b)(6) Notice of Deposition to defendant Google Inc. ("Google"), in the above-  
23 captioned matter, Google makes the following objections:

24 1. Google objects to plaintiffs' Notice of Deposition on the ground that it violates  
25 the Court's June 27, 2006 Order Following Case Management Conference ("Order") because the  
26 Order limited the discovery to take place prior to a hearing on partial summary judgment  
27 motions. The Order specifically directed that Google be given the opportunity to depose one or  
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1 both plaintiffs by August 6, 2006, regarding the terms and conditions of the agreement between  
 2 the parties under the AdWords program and their understanding of these terms and conditions  
 3 The Order also directed that Google submit to plaintiffs a sworn statement "that it has turned  
 4 over all documents describing the terms and conditions of the AdWords agreement." The Order  
 5 does not permit plaintiffs to depose Google.

6 On July 26, 2006, Google filed a motion to enlarge time for taking the depositions and,  
 7 on August 1, 2006, the Court ordered that "[f]or good cause shown, the deadline for [Google] to  
 8 depose both [p]laintiffs is extended to and including August 17, 2006." On August 8, 2006,  
 9 plaintiffs filed a motion seeking to continue the partial summary judgment hearing date, which  
 10 was granted on August 16, 2006. At no time did plaintiffs seek modification of the Order to  
 11 permit a deposition of Google's FRCP 30(b)(6) representative or any other Google  
 12 representative.

13 2. Google objects to plaintiffs' Notice of Deposition on the ground that it fails to  
 14 describe with reasonable particularity the matters on which examination is requested.

15 3. Google objects to plaintiffs' Notice of Deposition on the ground that it violates  
 16 FRCP 30(d)(2), which limits a deposition to one day of seven hours unless otherwise authorized  
 17 by the court or stipulated by the parties.

18 4. Google objects to plaintiffs' Notice of Deposition on the ground that the noticed  
 19 date for deposition was unilaterally selected by plaintiffs in violation of Local Rule 30-1, which  
 20 provides that "the noticing party must confer about the scheduling of the deposition with  
 21 opposing counsel" before noticing a deposition of a party.

22 Dated: September 7, 2006

PERKINS COIE LLP

23 By: \_\_\_\_\_  
 24

David T. Bideman

Attorneys for Defendant GOOGLE INC.  
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**PROOF OF SERVICE**

I, Michael J. Alcantara, declare:

I am a citizen of the United States and am employed in the County of San Francisco State of California. I am over the age of 18 years and am not a party to the within action My business address is Perkins Coie LLP, 4 Embarcadero Center, 24<sup>th</sup> Floor, San Francisco, California 94111-3162. I am personally familiar with the business practice of Perkins Coie LLP

On September 6, 2006, I served the following document(s):

**DEFENDANT GOOGLE INC.'S OBJECTIONS TO PLAINTIFFS' NOTICE OF DEPOSITION**

by placing a true copy thereof enclosed in a sealed envelope addressed to the following parties.


William M. Audet, Esq. Attorney for Plaintiffs  
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X (By Facsimile/Telecopy) I caused each document to be sent by Automatic Facsimile/Telecopier to the number(s) indicated above.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that this declaration was executed at San Francisco, California

DATED: September 7, 2006.

  
Michael J. Alcantara