

EXHIBIT 2
TO THE DECLARATION OF
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7 Google Inc.

8 UNITED STATES DISTRICT COURT
9 FOR THE CENTRAL DISTRICT OF CALIFORNIA

10
11 LEGALZOOM.COM, INC.,

12 Plaintiff,

13 v.

14 ROCKET LAWYER INC.,

15 Defendant.
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CASE NO.: 2:12-cv-09942-GAF-AGR

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RESPONSES AND OBJECTIONS OF
NONPARTY GOOGLE INC. TO
PLAINTIFF'S SUBPOENA TO
TESTIFY AT A DEPOSITION IN A
CIVIL ACTION

1 Pursuant to Federal Rule of Civil Procedure 45 (“Rule 45”), nonparty
2 Google Inc. (“Google”) makes the following objections to the subpoena served by
3 Plaintiff Legalzoom.com, Inc. (“LegalZoom”) dated November 14, 2014 (the
4 “Subpoena”) and the requests for production (“Requests”) therein.

5 GENERAL OBJECTIONS

6 1. Google objects to the Subpoena on the grounds that the specified date
7 of compliance – December 1, 2014 – is unreasonable. If Google produces
8 documents in response to the Subpoena, it will produce them at a later, more
9 reasonable, date.

10 2. Google objects to the Subpoena on the grounds that the Requests are
11 overbroad and unduly burdensome. Compliance with Plaintiff’s repeated requests
12 for “any and all” documents would impose a substantial burden on Google in
13 contravention of Rule 45(c)(1)’s mandate that parties “must take reasonable steps
14 to avoid imposing undue burden or expense on a [non-party] subject to a
15 subpoena.”

16 3. Google objects to the Subpoena under Rule 45(d)(2)(B)(ii) because
17 the cost of complying with the subpoena is estimated to exceed \$15,000 and would
18 thus impose a “significant expense” on nonparty Google.

19 4. Google will not produce information in response to the subpoena
20 unless Plaintiff first agrees to reimburse the costs and fees incurred by Google to
21 comply with the subpoena.

22 5. Google objects to the Subpoena because it seeks information beyond
23 the limitations of non-party discovery imposed by Rule 45, as the requested
24 information may be obtained from sources, such as parties to the action, from
25 whom production would be less burdensome.

26 6. Google objects to the Subpoena to the extent that it seeks information
27 protected from disclosure applicable privileges (hereinafter “Privileged
28 Information”). Any inadvertent disclosure of such information shall not be

1 deemed a waiver of any such privilege, and Google expressly requests that the
2 receiving party(ies) immediately return and do not make use of any inadvertently
3 produced Privileged Information.

4 7. Google objects to the Subpoena to the extent it seeks electronically
5 stored information that is not reasonably accessible by Google because of undue
6 burden or cost.

7 8. Google objects to the Subpoena to the extent it seeks confidential,
8 trade secret, or proprietary information belonging to Google or a third party
9 (“Confidential Information”). Google has not been provided with a copy of any
10 protective order that may have been entered in this action and cannot evaluate
11 whether sufficient restrictions on the disclosure and use of Confidential
12 Information requested to be produced by Google are in place. Google will not
13 produce documents containing Confidential Information in the absence of those
14 restrictions.

15 9. Google objects to the Subpoena to the extent it seeks the disclosure of
16 information that is neither relevant to the subject matter of the action nor
17 reasonably calculated to lead to the discovery of admissible evidence.

18 10. Google reserves the right to assert additional objections as appropriate
19 and to supplement these objections and responses if Google deems necessary.

20 **OBJECTIONS TO DEFINITIONS**

21 1. Google objects to the definition of “You,” “Your,” and “Google” on
22 the grounds that those terms are defined to include Google’s “subsidiaries,
23 affiliates, predecessors, successors, employees, managers, officers, directors,
24 partners, agents, representatives, attorneys, or anyone acting or purporting to act on
25 its behalf or under its control.” These definitions render the Requests overbroad,
26 unduly burdensome, and unintelligible. Google also objects to these definitions
27 on the grounds that they call for a legal conclusion.

1 2. Google objects to the definition of “Rocket Lawyer” and “Defendant”
2 on the grounds that those terms are defined to include Rocket Lawyer’s
3 “employees, attorneys, agents, independent contractors, officers, directors,
4 shareholders, representatives, and all Persons or entities action on its behalf.” This
5 definition renders the Requests overbroad, unduly burdensome, and unintelligible.
6 Google also objects to these definitions on the grounds that they call for a legal
7 conclusion. In objecting and responding to the Requests, Google will construe the
8 terms “Rocket Lawyer” and “Defendant” to refer solely to Rocket Lawyer
9 Incorporated.

10 **OBJECTIONS TO AUTHENTICATING DEPOSITION**

11 Google objects to the deposition sought by the Subpoena of a “Custodian of
12 Records to authenticate the documents requested.” To the extent Google produces
13 documents in response to the Subpoena, those documents may be authenticated
14 with much less burden and inconvenience to Google through an authenticating
15 declaration. Google will provide such a declaration upon request.

16 **SPECIFIC OBJECTIONS AND RESPONSES**

17 Google hereby incorporates by reference each of the foregoing objections
18 into each specific response that follows. A specific response may repeat an
19 objection for emphasis or some other reason. The failure to include any of the
20 foregoing objections in any specific response shall not be interpreted as a waiver of
21 any objection to that response.

22 **REQUEST NO. 1:**

23 Any and all DOCUMENTS RELATING TO ROCKET LAWYER FREE
24 ADVERTISEMENTS between January 1, 2008 and present.

25 **RESPONSE TO REQUEST NO. 1:**

26 Google objects to this Request on the grounds that it seeks irrelevant
27 information and is overbroad and unduly burdensome, especially given that Google
28 is a non-party. The demand for “any and all” documents relating to Rocket

1 Lawyer Free Advertisements is particularly burdensome, as it may encompass a
2 substantial amount of information, most of which is cumulative and/or irrelevant to
3 the claims and defenses asserted in this lawsuit. The specified relevant period of
4 almost seven years renders the Request particularly overbroad and oppressive
5 given that the claims and defenses asserted in this lawsuit relate to events
6 beginning in late 2011.

7 Google further objects to this Request on the grounds that many of the
8 documents encompassed by the Request, such as communications between Google
9 and Rocket Lawyer, are necessarily in the possession, custody or control of Rocket
10 Lawyer. As a nonparty, Google should not be subjected to the burden and expense
11 of searching for and producing these documents until LegalZoom has exhausted
12 reasonable means of obtaining them directly from Rocket Lawyer.

13 Subject to the foregoing objections, Google responds to this Request as
14 follows:

15 Google will not produce documents in response to this Request due to the
16 issues identified above. It is, however, open to a meet and confer process with
17 LegalZoom to discuss whether this Request can be appropriately revised, clarified
18 and narrowed.

19 **REQUEST NO. 2:**

20 Any and all COMMUNICATIONS between YOU and ROCKET LAWYER
21 RELATING TO ROCKET LAWYER FREE ADVERTISEMENTS between
22 January 1, 2008 and present.

23 **RESPONSE TO REQUEST NO. 2:**

24 Google objects to this Request on the grounds that it seeks irrelevant
25 information and is overbroad and unduly burdensome, especially given that Google
26 is a non-party. The demand for “any and all” communications is particularly
27 burdensome, as it encompasses information that is cumulative and/or irrelevant to
28 the claims and defenses asserted in this lawsuit. The specified relevant period of

1 almost seven years renders the Request particularly overbroad and oppressive
2 given that the claims and defenses asserted in this lawsuit relate to events
3 beginning in late 2011.

4 Google further objects to this Request on the grounds that the
5 communications between Google and Rocket Lawyer sought by the Request are
6 necessarily in the possession, custody or control of Rocket Lawyer. As a nonparty,
7 Google should not be subjected to the burden and expense of searching for and
8 producing these documents until LegalZoom has exhausted reasonable means of
9 obtaining them directly from Rocket Lawyer.

10 Subject to the foregoing objections, Google responds to this Request as
11 follows:

12 Google will not produce documents in response to this Request due to the
13 issues identified above. It is, however, open to a meet and confer process with
14 LegalZoom to discuss whether this Request can be appropriately revised, clarified
15 and narrowed.

16 **REQUEST NO. 3:**

17 Any and all DOCUMENTS RELATING TO studies managed or performed
18 by Google Ventures for ROCKET LAWYER, to the extent those studies examine
19 or concern ROCKET LAWYER FREE ADVERTISEMENTS.

20 **RESPONSE TO REQUEST NO. 3:**

21 Google objects to this Request on the grounds that it seeks irrelevant
22 information and is overbroad and unduly burdensome, especially given that Google
23 is a non-party. The demand for “any and all” documents is particularly
24 burdensome, as it may encompass a massive amount of information that is
25 cumulative and/or irrelevant to the claims and defenses asserted in this lawsuit.
26 The failure to specify a relevant time period renders the Request particularly
27 overbroad and oppressive given that the claims and defenses asserted in this
28 lawsuit relate to events that did not begin until late 2011.

1 Google further objects to this Request on the grounds that many of the
2 documents encompassed by the Request (to the extent any such studies were
3 managed or performed by Google Ventures for Rocket Lawyer) are necessarily in
4 the possession, custody or control of Rocket Lawyer. As a nonparty, Google
5 should not be subjected to the burden and expense of searching for and producing
6 these documents until LegalZoom has exhausted reasonable means of obtaining
7 them directly from Rocket Lawyer.

8 Subject to the foregoing objections, Google responds to this Request as
9 follows:

10 Google will not produce documents in response to this Request due to the
11 issues identified above. It is, however, open to a meet and confer process with
12 LegalZoom to discuss whether this Request can be appropriately revised, clarified
13 and narrowed.

14 **REQUEST NO. 4:**

15 Any and all DOCUMENTS sufficient to show the complete name, address,
16 and telephone number for Katherine K. whose email address is
17 Katherine.k@google.com.

18 **RESPONSE TO REQUEST NO. 4:**

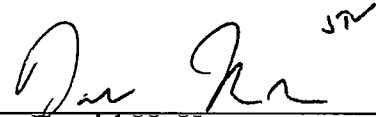
19 Google objects to this Request on the grounds it seeks irrelevant
20 information. It is not clear to Google why the identity of the person using the
21 email address Katherine.k@google.com bears on the claims and defenses asserted
22 in this litigation.

23 Google will not produce documents in response to this Request due to the
24 issues identified above. It is, however, open to a meet and confer process with
25 LegalZoom to discuss whether this Request can be appropriately revised, clarified
26 and explained.

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Dated: November 26, 2014

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

By:  David H. Kramer

Attorneys for Nonparty
Google Inc.

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CERTIFICATE OF SERVICE

I, Deborah Grubbs, declare:

I am employed in Santa Clara County, State of California. I am over the age of 18 years and not a party to the within action. My business address is Wilson Sonsini Goodrich & Rosati, 650 Page Mill Road, Palo Alto, California 94304-1050.

On this date, I served:

1. RESPONSES AND OBJECTIONS OF NONPARTY GOOGLE INC. TO PLAINTIFF'S SUBPOENA TO TESTIFY ATA DEPOSITION IN A CIVIL ACTION

By placing the document(s) in a sealed envelope for collection and mailing with the United States Postal Service on this date to the following person(s):

Mr. Fred Heather
Glaser Weil
10250 Constellation Blvd.
Suite 1900
Los Angeles, CA 90067

By forwarding the document(s) by electronic transmission on this date to the Internet email address listed below:

Fred Heather Email: fheather@glaserweil.com

I am readily familiar with Wilson Sonsini Goodrich & Rosati's practice for collection and processing of documents for delivery according to instructions indicated above. In the ordinary course of business, documents would be handled accordingly.

I declare under penalty of perjury under the laws of the United States of America foregoing is true and correct. Executed at Palo Alto, California on November 26, 2014.


Deborah Grubbs