IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

VULCAN GOLF, LLC, JOHN B. SANFILIPPPO & SONS, INC., BLITZ REALTY GROUP, INC., and VINCENTE E. "BO" JACKSON,	) Case No. 07 CV 3371
Plaintiffs,	) The Honorable Blanche M. Manning
v.	
GOOGLE INC.,	
Defendant.	

GOOGLE'S OBJECTIONS TO EVIDENCE SUBMITTED BY PLAINTIFFS

Defendant Google Inc. hereby objects to the following Exhibits submitted by Plaintiffs in opposition to Google's Motion for Partial Summary Judgment, on the following grounds:

General Objection: Plaintiffs have submitted a stack of bits and pieces of documents, most of them produced by Google, without any competent testimony by which to introduce, authenticate, or identify those documents. None of those documents are self-authenticating, and none are properly subject to judicial notice. When Google originally proposed the schedule for this motion, we proposed a 60-day period in which Plaintiffs could take discovery. Plaintiffs objected, and asked for 120 days, to which Google agreed. Plaintiffs then did nothing for three months, finally serving document requests that were due days before their opposition brief was filed. Plaintiffs took no depositions, and did nothing to attempt to authenticate any of the documents they now present to the Court. Neither have they submitted any testimony that might support the introduction of these documents into evidence.

Specific Objections:

Exhibits A-E: Hearsay (Fed. R. Evid. 802), Lack of Authentication (Fed. R. Evid. 901). Each exhibit appears to be a printout of a web page, without any authenticating testimony, offered for the truth of the out-of-court statements contained therein.

G000001415: Hearsay (Fed. R. Evid. 802), Lack of Authentication (Fed. R. Evid. 901), Incomplete Document (page 1/6). This document appears to be an unauthenticated "snippet" concerning internal testing, with no identification of author or recipient. It is an out-of-court anonymous statement offered for the truth of the matters asserted therein.

G000001992-2002: Hearsay (Fed. R. Evid. 802), Lack of Authentication (Fed. R. Evid. 901). Incomplete Document (pages 1-11 of 15) (Fed. R. Evid. 1002, 1006).

G000002035-36: Hearsay (Fed. R. Evid. 802), Lack of Authentication (Fed. R. Evid. 901).

G000002137-38: Hearsay (Fed. R. Evid. 802), Lack of Authentication (Fed. R. Evid. 901).

G000002153-54: Hearsay (Fed. R. Evid. 802), Lack of Authentication (Fed. R. Evid. 901). Incomplete Document (pages 2-3 of 6) (Fed. R. Evid. 1002, 1006).

G000002158-2160: Hearsay (Fed. R. Evid. 802), Lack of Authentication (Fed. R. Evid. 901).

G000002281; 2297-99; 2334; 2363; 2415; 2433; 2517; 2523-24; 2531-34; 2536; 2539; 2557; 2574-77; 2604; 3124; 31303-35; 3182; 3281; 3300; 3363; 3457; 3708-09;3719; 3733; 3738; 3804; 3819; 3837-57: Hearsay (Fed. R. Evid. 802), Lack of Authentication (Fed. R. Evid. 901), Incomplete Documents (Fed. R. Evid. 1002, 1006). These are excerpts from various internal Google documents, without any identification of author, authentication, or supporting testimony. They are out-of-court statements offered for the truth of their contents, and thus inadmissible.

G000003955: Hearsay (Fed. R. Evid. 802), Lack of Authentication (Fed. R. Evid. 901). Incomplete Document, (Fed. R. Evid. 1002, 1006), Relevance (Fed. R. Evid. 402). This is a single page from an unsigned contract not at issue in this litigation. It is incomplete and unauthenticated.

G000004008; 4013-14: Hearsay (Fed. R. Evid. 802), Lack of Authentication (Fed. R. Evid. 901), Incomplete Documents, (Fed. R. Evid. 1002, 1006), Best Evidence Rule (Fed. R. Evid. 1002-4). This document appears to be excerpts from an internal draft of a summary of proposed deal terms, offered as evidence of the terms of that contract. That contract is the best evidence of its terms. The document is also unauthenticated and hearsay.

Dated: December 21, 2009

Respectfully submitted,

GOOGLE INC.

By:/s/ Michael H. Page
One of its Attorneys

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CERTIFICATE OF SERVICE

I, Jonathan M. Cyrluk an attorney, certify under penalty of perjury that I caused a copy of the foregoing document to be served on all counsel of record via PDF and U.S. Mail this 21st day of December, 2009.

/s/ Jonathan M. Cyrluk
One of the Attorneys for ***Google Inc.***