

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA**

AARON C. BORING AND CHRISTINE
BORING, husband and wife respec-
tively,

CIVIL DIVISION

Plaintiffs,

CASE NO. 08-cv-694 (ARH)

v.

GOOGLE, Inc., a California cor-
poration,

Defendant.

PLAINTIFFS' FIRST SET OF REQUESTS FOR ADMISSION

Plaintiff, pursuant to Rule 36 of the Federal Rules of Civil Procedure ("F.R.C.P.", or the "Rules", as the context requires), by its undersigned attorney, hereby requests the Defendant to respond to the following requests by answering the same on or before thirty (30) days following the date of service.

**I.
INSTRUCTIONS**

Please follow these instructions and use the following definitions in responding to this request for discovery.

a. Each of the following requests for discovery shall be responded to separately and fully in writing. The responses shall be signed and verified by the person making them. Objections, if any, shall be signed by the attorney making them. Where the space provided is insufficient, please attach and refer to a separate sheet of paper, sufficient to complete said answer.

If your response to any request is not an unqualified admission, your answer shall specifically deny the matter or set forth in detail the reasons why you cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that you qualify your answer or deny only a part of the matter of which an admission is requested, you should specify so much of it as is true and qualify or deny the remainder.

b. Once any person, document or other matter required to be identified has been identified properly, it shall be sufficient thereafter, when identifying that same person, document or other matter, to state the name of the person, title of the document or sufficient information to refer to the previous response in which a complete identification has been given.

c. Where knowledge or information in possession of a party is requested, such request includes knowledge of such party's agents, em-

ployees, servants, officers, directors, accountants, attorneys (except only to whatever extent privileged), and any other person acting or purporting to act on behalf of the party to whom these requests for discovery are addressed. You must make inquiries of your agents, employees, etc., whenever such inquiry is necessary to enable you to respond to this request for discovery completely and accurately.

d. When, after a reasonable and thorough investigation, you are unable to answer any request for discovery, or any part thereof, because of lack of information available to you, specify in full and complete detail the reason the information is not available to you and what has been done to locate such information. In addition, specify what knowledge or belief you have concerning the unanswered portion of the request for discovery and set forth the facts upon which such knowledge or belief is based.

e. Where a request for discovery does not specifically request a particular fact, but where such fact or facts are necessary to make the response to discovery either comprehensible, or complete, or not misleading, you are required to include such fact or facts as part of the response, and the request shall be deemed specifically to require such fact or facts.

f. If, in responding to these requests for discovery, you encounter any ambiguity in a question, instruction, or definition, set forth the matter deemed ambiguous and the interpretation you used in responding.

g. If you assert a privilege, work product immunity, or decline to provide an answer on the basis of some other objection:

- i. identify and describe the document or communication in question;
- ii. describe the basis for the asserted privilege or objection;
- iii. identify every person to whom the document was sent, or every person present when the communication was made;
- iv. identify the present custodian of the document, if any; and
- v. include sufficient facts for the Court to make a full determination of whether the claim or objection is valid.

h. Unless otherwise indicated, these requests for discovery refer to the time, places and circumstances of the occurrences mentioned or complained of in pleading. If the responding party has filed (or intends to file prior to responding to these requests for discovery) any responsive pleadings, then unless otherwise indicated, these requests for production refer to the times, places and circumstances of the occurrences mentioned or complained of in said responsive pleadings.

i. Unless otherwise specifically stated, and irrespective of tense used in requests, the time period to which these requests for discovery pertain to on or about the date(s) and time(s) of conducting the recording or other surveillance of Plaintiffs' Private Property (defined below), to the date on which these requests for discovery are responded to, inclusive.

j. These requests for discovery are deemed to be continuing to the fullest extent provided in the Rules.

k. To the extent that any request for discovery made herein duplicates any other request for production made in another request for discovery otherwise fully responded to, then you may specifically identify such the other response in lieu of providing a response for the request made herein.

II. DEFINITIONS

All definitions provided in this Section II of this request for discovery shall apply to the term so defined, and also to such term whether or not capitalized, and also to grammatical variations (including, without limitation, mood, tense, number) of such term. Such definitions shall be broadly construed so that the construction provides the broadest request for discovery permitted under the Rules. Specific requests are intended to supplement the following definitions.

a. "You" (including "your" and "yourself"), and "Company" refers to the party to whom the request for discovery is addressed, acting in any capacity, and any person, including agents, representatives, attorneys (except only to whatever extent privileged), and each person acting or purporting to act on behalf of the party to whom the request for discovery is addressed. Additionally, if "you" is a corporation or other business entity, then "you" refers to each parent, predecessor, subsidiary, affiliate, and each present and former officer, employee, agent, representative, and attorney of the party to whom this request for discovery addressed.

b. "Representative" means any and all agents, employees, servants, officers, directors, attorneys, or other persons acting or purporting to act on behalf of the principal in question.

c. "Person" means any natural individual in any capacity whatsoever or any entity or organization, including divisions, departments, or other units therein, and shall include, but not be limited to, a public or private corporation, limited liability company, business entity or association, partnership, joint venture, voluntary or unincorporated association, organization, proprietorship, trust, estate, governmental agency, commission, bureau or department.

d. "Document" means any medium in which information, data or intelligence can be contained, recorded or retrieved, and includes, without limitation, the original (or copy if the original is unavailable), electronically stored information with metadata, regardless of origin and location, and all tangible things of every type and description, however produced, copied or reproduced, whether draft or final, original or reproduction, signed or unsigned, approved, sent, received, re-drafted, executed, erased or otherwise defaced or mutilated, from whom-ever and wherever obtained, along with all non-identical (or, by reason of subsequent annotation, no longer identical) copies, drafts, or versions thereof and all copies thereof containing any commentary, notations or markings, whatsoever, which is or was in your possession, custody or control, including, but not limited to: any book, pamphlet, periodical, email, letter, memorandum, (including any memorandum or re-

port of a meeting or conversation), invoice, bill, magnetic media, order, form, receipt, financial statement, accounting entry, diary, calendar, telex, telegram, cable, report, record, contract, study, handwritten note, draft, working paper, chart, paper, print, laboratory record, drawing, sketch, graph, index, list, tape, photograph, microfilm, data sheet, or data processing card, or any other written, recorded, transcribed, punched, taped, filed, or graphic materials.

e. The word "identify" (including, without limitation, "identification" and "identity") when used in reference to:

i. a natural individual, requires you to state his or her full name, and present or last known residential address, business address, and telephone number;

ii. a corporation, requires you to state its full corporate name, and any names under which it does business, its state of incorporation, the address and telephone number of its principal place of business, and the name, address and telephone number for each and every officer;

iii. a business, other than a corporation, requires you to state the full name or style under which the business is conducted, the types of businesses in which it is engaged and the geographic areas in which it conducts those businesses, each business address, its telephone number, and the name, address and telephone number for each and every of person and/or business entity which owns, operates, and/or controls each such business;

iv. a document, requires you to state its title, its date, the names of its authors and/or recipients, number of pages and nature of the document, and its present or last known location and custodian, including any documents prepared subsequent to any time period; and

v. a communication, requires you: A) if any part of the communication was written, to identify the documents (as provided above) which refer to or evidence the communication; and B) to the extent that the communication is unwritten, to identify each and every person participating in, or otherwise present during, all or any part of the communication, and to describe the communication and to state the date, manner, place and substance of the communication. Where a communication occurs over the telephone, the location of such communication is requested, and state the location of the parties thereto.

f. "Communication" means any oral or written utterance, notation, or statement of any nature whatsoever between or among two or more persons, by or to whomsoever made, and including, without limitation, correspondence, documents, email, conversations, dialogues, discussions, interviews, consultations, agreements, and other understandings.

g. When request for discovery requests that you "describe," or to "state the basis of," or to "state the facts" on which you rely to support a particular claim, contention, or allegation, state in your answer each and every fact and legal theory, and identify each and every

communication and/or document, which you contend supports, refers to, or evidences such claim, contention, or allegation. When request for discovery requires you otherwise to describe or state the facts relating to any particular set of circumstances, act, event, transaction, occurrence, meeting, purchase, sale, agreement, contract, venture, relationship, conversation, representation, communication, or other item of information, state in your answer the facts (including dates and places) relating to such transaction, occurrence, relationship, set of circumstances, etc., as the case may be; and identify any persons who are or were parties thereto or have knowledge thereof; and identify any communications and documents relating to, or evidencing, such transaction, occurrence, relationship, set of circumstances, etc., as the case may be.

h. "Or" appearing in a request for discovery should not be read so as to eliminate any part of the request for discovery, but, whenever applicable, it should have the same meaning as the word "and." For example, a request for discovery stating "support" or "refer" should be read as "support and refer" if a response that does both can be made.

i. Unless otherwise specified, any reference to a judicial pleading, including, without limitation, complaint, answer, new matter, and counterclaim, affirmative defenses, refers to such pleading as served in the same action for which this request for discovery relates.

j. **"Plaintiffs' Private Property"** means the property identified on the Deed attached hereto as **Exhibit 1**. **"Private Property"** means privately owned. **"Google's Drivers"** means any driver recording or otherwise conducting surveillance for Google Street View. **"Plaintiffs' Google Drivers"** means the driver or drivers of the Google Drivers who conducted the recording or other surveillance of Plaintiffs' Private Property. If there are more than one person, the term means individually or jointly. If less than one person, plurality references shall be read as singular. **"Dwellings"** means the Plaintiffs' home and structures appearing in SA-26, attached hereto, being, more specifically (from left to right), the **"Home," "Swimming Pool," "Three-door Facility"** and **"Two-door Facility."** The individual structures as so-called in the preceding sentence are used in the requests below and are designated as such **"Borings Pictures"** means the pictures filed under seal at Exhibit 2 to Plaintiff's Brief in Opposition to Google's Motion to Dismiss Amended Complaint, used by designation with the page upon which pictures appear and location designation, such as **"Top"** or **"Bottom"** when applicable. **"Infringing Recordings"** means any recording taken while on Plaintiffs' Private Property.

III. REQUESTS FOR ADMISSION

1. Admit that Plaintiffs' Google Drivers consisted of one person.

Admitted _____ Denied _____

2. Admit that Plaintiffs' Google Drivers consisted of more than one person.

Admitted _____ Denied _____

3. Admit that Google's Drivers can read the English language.
Admitted _____ Denied _____
4. Admit that Plaintiffs' Google Drivers can read the English language.
Admitted _____ Denied _____
5. Admit that Google's Drivers are not legally blind.
Admitted _____ Denied _____
6. Admit that Plaintiffs' Google Drivers are not legally blind.
Admitted _____ Denied _____
7. Admit that Google's Drivers can read and understand the English language to the extent of "No Trespassing."
Admitted _____ Denied _____
8. Admit that Plaintiffs' Google Drivers can read and understand the English language to the extent of "No Trespassing."
Admitted _____ Denied _____
9. Admit that Google's Drivers can read and understand the English language to the extent of "Private Road."
Admitted _____ Denied _____
10. Admit that Plaintiffs' Google Drivers can read and understand the English language to the extent of "Private Road."
Admitted _____ Denied _____
11. Admit that Google's Drivers can read and understand the English language to the extent of "Private Road - No Trespassing."
Admitted _____ Denied _____
12. Admit that Plaintiffs' Google Drivers can read and understand the English language to the extent of "Private Road - No Trespassing."
Admitted _____ Denied _____
13. Admit that Google's Drivers are trained not to trespass.
Admitted _____ Denied _____
14. Admit that Google carefully selects Google's Drivers.
Admitted _____ Denied _____
15. Admit that Google's Drivers are not recruited for having com-

pleted any specialized training.

Admitted _____ Denied _____

16. Admit that Google's Drivers are properly trained for the intended act of traversing the earth and recording for Street View.

Admitted _____ Denied _____

17. Admit Google has stated that its Google's Drivers are properly trained.

Admitted _____ Denied _____

18. Admit that Plaintiffs' Google Drivers are trained not to trespass.

Admitted _____ Denied _____

19. Admit that Google's Drivers are trained to not enter onto Private Property.

Admitted _____ Denied _____

20. Admit that Plaintiffs' Google Drivers are trained to not enter onto Private Property.

Admitted _____ Denied _____

21. Admit that Google's Drivers are trained that, if he or she sees a "No Trespass" sign, it should be understood that it applies or may apply to such driver.

Admitted _____ Denied _____

22. Admit that Plaintiffs' Google's Drivers are trained that, seeing a "No Trespass" sign, understands that it applies or may apply to such drivers.

Admitted _____ Denied _____

23. Admit that Google's Drivers are trained that, he or she sees a "Private Road" sign, it is understood that it applies or may apply to such driver.

Admitted _____ Denied _____

24. Admit that Google's Drivers are trained that, if he or she sees a "Private Road - No Trespassing" sign, it is understood that it applies or may apply to such driver.

Admitted _____ Denied _____

25. Admit that, if Google's Drivers saw Plaintiffs' "Private Road - No Trespassing" sign, then Plaintiffs' Google Drivers should have understood that it applies or may apply to such drivers.

Admitted _____ Denied _____

26. Admit that Google's Drivers are not legally deaf.
Admitted _____ Denied _____
27. Admit that Plaintiffs' Google Drivers are not legally deaf.
Admitted _____ Denied _____
28. Admit that Google's Drivers are trained to be careful.
Admitted _____ Denied _____
29. Admit that Plaintiff's Google Drivers are trained to be careful.
Admitted _____ Denied _____
30. Admit that Google's Drivers are trained to not be careless.
Admitted _____ Denied _____
31. Admit that Plaintiff's Google Drivers are trained to not be careless.
Admitted _____ Denied _____
32. Admit that Google's Drivers are trained to be more careful than an ordinary reasonable driver.
Admitted _____ Denied _____
33. Admit that Plaintiffs' Google Drivers are trained to be more careful than an ordinary reasonable driver.
Admitted _____ Denied _____
34. Admit that Google's Drivers are trained to be careful when driving.
Admitted _____ Denied _____
35. Admit that Plaintiffs' Google Drivers are trained to be careful when driving.
Admitted _____ Denied _____
36. Admit that the term "care" regarding Google's Drivers includes attention to street signage.
Admitted _____ Denied _____
37. Admit Google's Drivers are trained to turn off the cameras and stop recording when third-party rights are at risk or may be at risk.
Admitted _____ Denied _____
38. Admit Plaintiffs' Google Drivers are trained to turn off the cam-

eras and stop recording when third-party rights may be at risk or are at risk.

Admitted _____ Denied _____

39. Admit that Google is a company that sells and develops advanced technologies.

Admitted _____ Denied _____

40. Admit that Google's cameras permit Google's Drivers to conveniently stop recording when third-party rights are at risk. "Conveniently" means a process that encourages determinations to stop without unreasonable administrative or physical burden.

Admitted _____ Denied _____

41. Admit that Google's cameras permit Plaintiffs' Google's Drivers to conveniently stop recording when third-party rights are at risk.

Admitted _____ Denied _____

42. Admit that Google's Drivers must exit the Google Street View automobile to stop recording.

Admitted _____ Denied _____

43. Admit that Plaintiffs' Google Drivers must exit the Google Street View automobile to stop recording.

Admitted _____ Denied _____

44. Admit Plaintiffs' Private Property is Private Property.

Admitted _____ Denied _____

45. Admit the authenticity of the Deed, attached hereto as Exhibit 1 (the "**Deed**")

Admitted _____ Denied _____

46. Admit the Deed is recorded with the Allegheny County Recorder of Deeds.

Admitted _____ Denied _____

47. Admit the Deed is a public record.

Admitted _____ Denied _____

48. Admit the Deed is available for public inspection.

Admitted _____ Denied _____

49. Admit that the Deed embodies a claim of ownership by Plaintiffs.

Admitted _____ Denied _____

50. Admit that Plaintiffs' Private Property is privately-owned property.
Admitted _____ Denied _____
51. Admit that Plaintiffs' Private Property is not owned by any government or public authority or agency.
Admitted _____ Denied _____
52. Admit Google does not own Plaintiffs' Private Property.
Admitted _____ Denied _____
53. Admit Google does not have a lease to Plaintiffs' Private Property.
Admitted _____ Denied _____
54. Admit Google does not have permission to use Plaintiffs' Private Property.
Admitted _____ Denied _____
55. Admit that Google does not have express permission to use Plaintiffs' Private Property.
Admitted _____ Denied _____
56. Admit that Google does not have implied permission to use Plaintiffs' Private Property.
Admitted _____ Denied _____
57. Admit that Google asserts that it has an implied license to use Plaintiffs' Private Property.
Admitted _____ Denied _____
58. Admit that assertion of an implied license is based upon facts and circumstances.
Admitted _____ Denied _____
59. Admit that Google entered onto Plaintiffs' Private Property.
Admitted _____ Denied _____
60. If Google admits entering Plaintiffs' Private Property, admit that Google did not review the Deed prior thereto.
Admitted _____ Denied _____
61. If Google admits entering Plaintiffs' Private Property, admit that Google did not review any public records that would indicate Plaintiffs' claim to Plaintiffs' Private Property prior thereto.

Admitted _____ Denied _____

62. If Google admits entering Plaintiffs' Private Property, admit that, prior to said entry, Google performed research insufficient to place Google on notice of the location of Plaintiffs' Private Property.

Admitted _____ Denied _____

63. If Google admits entering Plaintiffs' Private Property, admit that, prior to said entry, Google performed research sufficient to place Google on notice of the location of Plaintiffs' Private Property.

Admitted _____ Denied _____

64. Admit that Google entered Plaintiffs' Private Property one time.

Admitted _____ Denied _____

65. Admit that Google entered Plaintiffs' Private Property more than one time.

Admitted _____ Denied _____

66. Admit the authenticity of the pictures contained Exhibit 2, attached hereto; provided, however, that such admission shall be based upon the actual color exhibits used by Google in its Supplemental Appendix on appeal to the Third Circuit of the United States, 09-2350. [References will be the respective "SA" number, and as used in said Supplemental Appendix.]

SA-13: Admitted _____	Denied _____
SA-14: Admitted _____	Denied _____
SA-15: Admitted _____	Denied _____
SA-16: Admitted _____	Denied _____
SA-21: Admitted _____	Denied _____
SA-22: Admitted _____	Denied _____
SA-23: Admitted _____	Denied _____
SA-24: Admitted _____	Denied _____
SA-25: Admitted _____	Denied _____
SA-26: Admitted _____	Denied _____
SA-27: Admitted _____	Denied _____
SA-28: Admitted _____	Denied _____

67. If Google admits entering Plaintiffs' Private Property, admit that Google reviewed the Deed at some time thereafter through the date of your response.

Admitted _____ Denied _____

68. Admit that Google trespassed upon Plaintiffs' Private Property.

Admitted _____ Denied _____

69. Irrespective of any affirmative defense, admit that Google trespassed on Plaintiffs' Private Property.

Admitted _____ Denied _____

70. Irrespective of any affirmative defense, admit that Google trespassed and the trespass constructively continued even after Google departed from the Plaintiffs' Private Property up to and including the date of your response.

Admitted _____ Denied _____

71. Irrespective of any affirmative defense, admit that Google trespassed and the trespass constructively continued even after Google departed from the Plaintiffs' Private Property for so long as Google published any part of the Infringing Recordings up to and including the date of your response.

Admitted _____ Denied _____

72. Irrespective of any affirmative defense, admit that Google trespassed and the trespass was constructively continuing even after Google departed from the Plaintiffs' Private Property for so long as Google possessed or possesses any part of the Infringing Recordings, including, but not limited to, digital or non-digital archives thereof up to and including the date of your response.

Admitted _____ Denied _____

73. Admit that Google retains records of claims to remove by third parties.

Admitted _____ Denied _____

74. Admit that Google retained records of claims to remove by Plaintiffs.

Admitted _____ Denied _____

75. Admit that Google retains digital or non-digital archives of the Infringing Recordings thereof up to and including the date of your response.

Admitted _____ Denied _____

76. Admit that Google retained digital or non-digital archives of the Infringing Recordings thereof up to and including the date of your response.

Admitted _____ Denied _____

77. Admit that Google's retention of the Infringing Pictures, including in any archived form is no different than in accordance with its ordinary and customary policies for retention of similar data.

Admitted _____ Denied _____

78. Admit that Google entered onto Plaintiff's Property and did not have Plaintiffs' consent.

Admitted _____ Denied _____

79. Admit that Google entered onto Plaintiff's Property and did not have Plaintiffs' written consent.

Admitted _____ Denied _____

80. Admit that Google entered onto Plaintiff's Property and did not have Plaintiffs' express consent.

Admitted _____ Denied _____

81. Admit that Google entered onto Plaintiff's Property and did not have Plaintiffs' implied consent.

Admitted _____ Denied _____

82. Admit that Google has no demonstrative positive evidence of having Plaintiffs' consent.

Admitted _____ Denied _____

83. Admit that any contention by Google of having Plaintiffs' consent to enter Plaintiffs' Private Property is by assumption without positive evidence.

Admitted _____ Denied _____

84. Admit that a "Private Road - No Trespassing" sign is or would be demonstrative positive evidence of Plaintiffs' refusal of consent.

Admitted _____ Denied _____

85. Admit that Google's Drivers are trained to observe for positive evidence of claims of ownership rights.

Admitted _____ Denied _____

86. Admit that Plaintiffs' Google Drivers are trained to observe for positive evidence of claims of ownership rights.

Admitted _____ Denied _____

87. Admit that a "Private Road," "No Trespassing" and "Private Road No Trespassing" signs are examples of demonstrative positive evidence by landowners to third parties.

Admitted _____ Denied _____

88. Admit that there are mailboxes are at the Oakridge Lane junction of Reis Road.

Admitted _____ Denied _____

89. Admit that the mailboxes are more than 900 feet from the Dwellings.

Admitted _____ Denied _____

90. Admit that multiple mailboxes at a road junction are examples of demonstrative positive evidence of a private road whether or not such evidence is determinative.

Admitted _____ Denied _____

91. Admit that there are multiple mailboxes at the road junction of Reis Road and Oakridge Lane is demonstrative positive evidence of it as a private road whether or not such evidence is determinative.

Admitted _____ Denied _____

92. Admit that Oakridge Lane is graveled.

Admitted _____ Denied _____

93. Admit that graveled roads are examples of demonstrative positive evidence of a private road whether or not such evidence is determinative.

Admitted _____ Denied _____

94. Admit that Oakridge Lane being a graveled road is demonstrative positive evidence of it as a private road whether or not such evidence is determinative.

Admitted _____ Denied _____

95. Admit that Oakridge Lane is unpaved.

Admitted _____ Denied _____

96. Admit that unpaved roads are examples of demonstrative positive evidence of a private road whether or not such evidence is determinative.

Admitted _____ Denied _____

97. Admit that Oakridge Lane being an unpaved road is demonstrative positive evidence of it as a private road whether or not such evidence is determinative.

Admitted _____ Denied _____

98. Admit that Google entered Plaintiffs' Private Property to digitally record and to publish the recordings worldwide.

Admitted _____ Denied _____

99. Admit that police officers not permitted to enter Private Property and record without a court order.

Admitted _____ Denied _____

100. Admit that Google is not the reasonable equivalent of police of-

ficers regarding entering of Private Property to record for worldwide publication.

Admitted _____ Denied _____

101. Admit that Google is not the reasonable equivalent of a postal delivery person or food delivery person regarding entering of Private Property to record for worldwide publication.

Admitted _____ Denied _____

102. Admit that Google did not provide Plaintiffs' with advance notice of Google's intended entry onto Plaintiffs' Private Property to permit Plaintiffs' to post a guard dog.

Admitted _____ Denied _____

103. Admit that Google did not provide Plaintiffs' with advance notice of Google's intended entry onto Plaintiffs' Private Property to permit Plaintiffs' to build a fence surrounding the Plaintiffs' Private Property.

Admitted _____ Denied _____

104. Admit that Google did not provide Plaintiffs' with advance notice of Google's intended entry onto Plaintiffs' Private Property to permit Plaintiffs' to install a gate on the Plaintiffs' Private Property.

Admitted _____ Denied _____

105. Admit that Google did not provide Plaintiffs' with advance notice of Google's intended entry onto Plaintiffs' Private Property to permit Plaintiffs' to take action to make objections or protect entry onto their Private Property.

Admitted _____ Denied _____

106. Admit that Google's use of the phrase, "guests, tax collectors, repairmen, deliverymen, neighbors, friends of neighbors" on page 14 of its Third Circuit Appeal Brief, was not intended to include that such persons were recording for worldwide publication in any manner equivalent to Google.

Admitted _____ Denied _____

107. Admit Plaintiffs' Home is Private Property.

Admitted _____ Denied _____

108. Admit Plaintiffs' Swimming pool is Private Property.

Admitted _____ Denied _____

109. Admit Plaintiffs' Two-Door Detached Garage is Private Property.

Admitted _____ Denied _____

110. Admit Plaintiffs' Three-Door Detached Garage is Private Property.
Admitted _____ Denied _____
111. Admit that the land upon which Plaintiffs' Home exists is Private Property.
Admitted _____ Denied _____
112. Admit that the land upon which Plaintiffs' Swimming Pool exists is Private Property.
Admitted _____ Denied _____
113. Admit that the land upon which Plaintiffs' Two-Door Detached Garage is Private Property.
Admitted _____ Denied _____
114. Admit that the land upon which Plaintiffs' Three-Door Detached Garage is Private Property.
Admitted _____ Denied _____
115. Admit that all land in Borings Pictures 10/Top is Private Property from the point of view through the Dwellings.
Admitted _____ Denied _____
116. Admit that all land in Borings Pictures 10/Bottom is Private Property from the point of view through the Dwellings.
Admitted _____ Denied _____
117. Admit that Google is governed under the regulations of the Sarbanes-Oxley Act of 2002.
Admitted _____ Denied _____
118. Admit Matt Sucherman is a Google officer.
Admitted _____ Denied _____
119. Admit Sucherman is authorized to speak for Google.
Admitted _____ Denied _____
120. Admit authenticity of Exhibit 3 [also available at http://money.cnn.com/2010/02/24/technology/Google_Italy_privacy_conviction/]
Admitted _____ Denied _____
121. Admit that, in Exhibit 3, CNN/Money article, accurately reflects the circumstances reported therein and is not false reporting.
Admitted _____ Denied _____

122. Admit that, in Exhibit 3, CNN/Money article, accurately reflects Matt Sucherman quotations used therein.

Admitted _____ Denied _____

123. Admit that Google has stated, by or through its officers, "**Common sense dictates that only the person who films and uploads a video to a hosting platform could take the steps necessary to protect the privacy and obtain the consent of the people they are filming.**"

Admitted _____ Denied _____

124. Admit that Google published 360° images on its own hosting platform and Google is responsible to take the steps necessary to protect rights of the things it chooses to record.

Admitted _____ Denied _____

125. Admit that Google made the argument that "there is no fence surrounding [the Borings] property" [Google Br., Motion to Dismiss Complaint, p. 2] ("**No Surrounding Fence Argument**")

Admitted _____ Denied _____

126. Admit that Google asserts the No Surrounding Fence Argument as any part of its defense in this action.

Admitted _____ Denied _____

127. If Google asserts the No Surrounding Fence Argument is any part of its defense in this action, then admit that the fence must completely surround the subject property as intended by the No Surrounding Fence Argument.

Admitted _____ Denied _____

128. Admit that Google made the argument that "There is no gate" [Google Br., Motion to Dismiss Complaint, p. 2] ("**No Gate Argument**")

Admitted _____ Denied _____

129. Admit that Google asserts the No Gate Argument as any part of its defense in this action.

Admitted _____ Denied _____

130. If Google asserts the No Gate Argument is any part of its defense in this action, then admit that the gate must be closed as intended by the No Gate Argument.

Admitted _____ Denied _____

131. If Google asserts the No Gate Argument is any part of its defense in this action, then admit that the gate must be locked as intended by the No Gate Argument.

Admitted _____ Denied _____

132. Admit that Google made the argument that "[There is] no 'keep out' sign" [Google Br., Motion to Dismiss Complaint, p. 2] ("**No Signage Argument**")

Admitted _____ Denied _____

133. Admit that the "Private Road No Trespassing" sign of Plaintiffs is not of the nature intended by Google's No Signage Argument.

Admitted _____ Denied _____

134. Admit that Google asserts the No Signage Argument as any part of its defense in this action.

Admitted _____ Denied _____

135. If Google asserts No Signage Argument as any part of its defense in this action, then admit that the signage does not need to be electrical or lighted.

Admitted _____ Denied _____

136. Admit that Google made the argument that "[There is] no guard dog standing watch" [Google Br., Motion to Dismiss Complaint, p. 2] ("**No Guard Dog Argument**")

Admitted _____ Denied _____

137. Admit that Google asserts the No Guard Dog Argument as any part of its defense in this action.

Admitted _____ Denied _____

138. Admit that Street View is intended to record outside views.

Admitted _____ Denied _____

139. Admit that the guard dog contemplated by the No Guard Dog Argument must be at the perimeter of the Private Property guarding the property 24 hours, 7 days a week, all year and in all seasons.

Admitted _____ Denied _____

140. Admit that the guard dog contemplated by the No Guard Dog Argument must be at every point of ingress.

Admitted _____ Denied _____

141. Admit that Google made the argument that "[The property is not] located where the yard cannot be seen by satellite or low-flying aircraft." [Google Br., Motion to Dismiss Complaint, p. 2] ("**Outer Space Satellite and Low-Flying Aircraft Argument**")

Admitted _____ Denied _____

142. Admit that Google asserts the Outer Space Satellite and Low-Flying Aircraft Argument as any part of its defense in this action.

Admitted _____ Denied _____

143. If any part of Google's defense is based upon the Outer Space Satellite and Low Flying Aircraft Argument, then admit that Plaintiffs must have an opaque cover over their entire Private Property.

Admitted _____ Denied _____

144. If any part of Google's defense is based upon the Outer Space Satellite and Low Flying Aircraft Argument, and Google admits that an opaque cover would be required, then admit that an opaque cover or dome over their entire Private Property would not have itself prevented Google's Drivers from entering the Private Property.

Admitted _____ Denied _____

145. Admit that the No Surrounding Fence Argument, the No Gate Argument, the No Signage Argument, No Guard Dog Argument, and the Outer Space Satellite and Low-Flying Aircraft Argument were made in good faith each time when made.

Admitted _____ Denied _____

146. Admit that outer space satellite photography is the reasonable equivalent to 360° imaging taken while physically present on the subject land.

Admitted _____ Denied _____

147. If the immediately prior request is admitted, then admit that satellite photography is the reasonable equivalent to 360° photography taken while physically on land, with the satellite photography taken at the following ranges:

a. 1 - 5 aerial feet;

Admitted _____ Denied _____

b. 6 - 10 aerial feet;

Admitted _____ Denied _____

c. 11 - 20 aerial feet;

Admitted _____ Denied _____

d. 21 - 30 aerial feet;

Admitted _____ Denied _____

e. 31 - 40 aerial feet;

Admitted _____ Denied _____

f. 41 - 50 aerial feet;

Admitted _____ Denied _____

g. 51 - 60 aerial feet;

Admitted _____ Denied _____

h. 61 - 70 aerial feet;

Admitted _____ Denied _____

i. 71 - 80 aerial feet;

Admitted _____ Denied _____

j. 81 - 90 aerial feet;

Admitted _____ Denied _____

k. 91 - 100 aerial feet;

Admitted _____ Denied _____

l. 101 - 150 aerial feet;

Admitted _____ Denied _____

m. 151 - 200 aerial feet;

Admitted _____ Denied _____

n. 201 - 250 aerial feet;

Admitted _____ Denied _____

o. 251 - 300 aerial feet;

Admitted _____ Denied _____

p. 301 - 350 aerial feet;

Admitted _____ Denied _____

q. 351 - 400 aerial feet;

Admitted _____ Denied _____

r. 401 - 450 aerial feet;

Admitted _____ Denied _____

s. 501 - 550 aerial feet;

Admitted _____ Denied _____

t. 601 - 650 aerial feet;

Admitted _____ Denied _____

u. 701 - 750 aerial feet;

Admitted _____ Denied _____

v. 801 - 850 aerial feet;

Admitted _____ Denied _____

w. 901 - 950 aerial feet;

Admitted _____ Denied _____

x. Over 1,000 aerial feet;

Admitted _____ Denied _____

148. Admit that Google does not publish, in advance, the recording or surveillance schedule; that is, what areas will be recorded and when.

Admitted _____ Denied _____

149. Admit that Google does not notify, in advance, the recording or surveillance schedule; that is, what areas will be recorded and when.

Admitted _____ Denied _____

150. Admit that Google does not publish or notify, in advance, the recording or surveillance schedule to avoid slowing down deployment.

Admitted _____ Denied _____

151. Admit that Google did not publish, in advance, the recording or surveillance schedule prior to entering Plaintiffs' Private Property.

Admitted _____ Denied _____

152. Admit if any part of Google's defense is that, without a surrounding fence, a gate, signage, guard dog, or if outer space satellite or low-flying aircrafts can take pictures of Plaintiffs' Private Property, then Google is permitted to enter Plaintiffs' Private Property. That is, if any of the statements are true, then Google's argument is that it has consent.

Admitted _____ Denied _____

153. Admit if any part of Google's position is that, with a surrounding fence, a gate, signage, guard dog, or if outer space satellite or low-flying aircrafts cannot take pictures of Plaintiffs' Private Property, then Google is not permitted to enter Plain-

tiffs' Private Property. That is, if any of the statements is false, then Google's argument is that it does not has consent.

Admitted _____ Denied _____

154. Admit Larry Yu is an authorized Google spokesperson.

Admitted _____ Denied _____

155. Admit authenticity of Exhibit 4 [also available at <http://news.google.com/newspapers?nid=1673&dat=20080821&id=lbAjAAAAIBAJ&sjid=qSQEAAAAIBAJ&pg=6937,4285450>]

Admitted _____ Denied _____

156. Admit that, in Exhibit 4, The Press Democrat article, accurately reflects the circumstances reported therein.

Admitted _____ Denied _____

157. Admit that, in Exhibit 4, The Press Democrat article, accurately reflects Larry Yu quotations used therein.

Admitted _____ Denied _____

158. Admit that review conducted by The Press Democrat indicating that Google Drives have intruded past gates is true and not false reporting.

Admitted _____ Denied _____

159. Admit that review conducted by The Press Democrat indicating that Google Drives have intruded past at least one barking dog is true and not false reporting.

Admitted _____ Denied _____

160. Admit that Google has continued recording for Google Street View through and past gates.

Admitted _____ Denied _____

161. Admit that Google has continued recording for Google Street View past a dog standing watch.

Admitted _____ Denied _____

162. Admit that Larry Yu stated that Google does not request data about private roads from counties before sending out Google's fleet of camera equipped drivers because such requests would have slowed down deployment of Street View.

Admitted _____ Denied _____

163. Admit that Google has stated, by or through its officers or authorized spokespersons that Google does not request data about private roads from counties before sending out Google's fleet of camera equipped drivers because such requests would have slowed

down deployment of Street View.

Admitted _____ Denied _____

164. Admit that Google has stated, by or through its officers or authorized spokespersons that Google does not request data about private roads from counties before sending out Google's fleet of camera equipped drivers because such requests would have slowed down deployment of Street View.

Admitted _____ Denied _____

165. Admit that Google does not request data about private roads from counties before sending out Google's fleet of camera equipped drivers because such requests would have slowed down deployment of Street View.

Admitted _____ Denied _____

166. Admit that obtaining written consents would slow down deployment of Street View.

Admitted _____ Denied _____

167. Admit that Google did not obtain the written consent of Plaintiffs because it would slow down deployment of Street View.

Admitted _____ Denied _____

168. Admit that filtering pictures prior to publication on Street View would slow down deployment of Street View.

Admitted _____ Denied _____

169. Admit that slowing down deployment of Street View would have a material negative financial effect on Google profitability.

Admitted _____ Denied _____

170. Admit that slowing down deployment of Street View would not have a material negative financial effect on Google profitability.

Admitted _____ Denied _____

171. Admit Google's Drivers are paid for miles photographed at the time of taking the subject photography in this case.

Admitted _____ Denied _____

172. Admit Google's Drivers are trained to acquire pictures as quickly as possible.

Admitted _____ Denied _____

173. Admit that there was a "No Trespassing Private Road" sign on the private road leading to ingress to Plaintiffs' Private Property.

Admitted _____ Denied _____

174. Admit that there was a "No Trespassing Private Road" sign on the private road leading to ingress to Plaintiffs' Private Property ("**No Trespassing Private Road Signage**") and that it was clearly visible.

Admitted _____ Denied _____

175. Admit the No Trespassing Private Road Signage is visible to a reasonable person.

Admitted _____ Denied _____

176. Admit Plaintiffs' Google Drivers saw the No Trespassing Private Road Signage.

Admitted _____ Denied _____

177. Admit that Plaintiffs' Google Drivers should have seen the No Trespassing Private Road Signage.

Admitted _____ Denied _____

178. Admit that the Plaintiffs' Google Street View Drive should have seen the multiple mailboxes at the junction entering Oakridge Lane.

Admitted _____ Denied _____

179. Admit that the Google Street View drivers are trained to turn off the recording upon determining the risk of violation of third party rights.

Admitted _____ Denied _____

180. Admit that Google Street View drivers are trained to "mark the record" or perform some other indicia when having recorded something the driver reasonable believes may be the result of a trespass or other violation of rights.

Admitted _____ Denied _____

181. Admit that Google Street View drivers do not log or record areas for use by Google when the driver reasonable believes may be the result of a trespass or other violation of rights.

Admitted _____ Denied _____

182. Admit that Google has instituted steps necessary to protect third party land rights.

Admitted _____ Denied _____

183. Admit that protection of property rights, in the context of Google's Street View, includes prevention from entering Private Property in violation of rights.

Admitted _____ Denied _____

184. Admit that protection of property rights, in the context of Google's Street View, includes the prevention of publishing the results of the violation of rights.

Admitted _____ Denied _____

185. Admit that protection of property rights, in the context of Google's Street View, includes both the prevention from entering Private Property and prevention of publishing the results of the violation of rights.

Admitted _____ Denied _____

186. Admit that Google has instituted steps necessary to obtain the consent of third parties prior to entering said third parties' private property.

Admitted _____ Denied _____

187. Admit that the consent or license Google asserts as any part of its defense "runs with the land."

Admitted _____ Denied _____

188. Admit that the consent or license Google asserts as any part of its defense is personal to the Plaintiffs.

Admitted _____ Denied _____

189. If Google asserts that the consent or license Google asserts as any part of its defense is based upon a license or consent running with the land, admit said consent or license is not recorded.

Admitted _____ Denied _____

190. If Google asserts that the consent or license Google asserts as any part of its defense is based upon a consent or license that is personal to the Plaintiffs, admit that Google never communicated with the Plaintiffs.

Admitted _____ Denied _____

191. Admit that the Pennsylvania judiciary has not yet addressed remedies whereby a trespasser enters and publishes the results gained during the trespass for worldwide inspection.

Admitted _____ Denied _____

192. Admit that the Pennsylvania legislature has not yet addressed remedies whereby a trespasser enters and publishes the results gained during the trespass for worldwide inspection.

Admitted _____ Denied _____

193. Admit that Google Drivers intentionally disregard signage irrespective of clarity.

Admitted _____ Denied _____

194. Admit that Google entered Plaintiffs' Private Property for a commercial purpose.

Admitted _____ Denied _____

195. Admit that Google entered Plaintiffs' Private Property for a profit purpose.

Admitted _____ Denied _____

196. Admit that Google recorded or otherwise surveilled Plaintiffs' Private Property.

Admitted _____ Denied _____

197. Admit that that all or some part of the Infringing Pictures are not able to be recorded with the same point(s) of view without entering Plaintiffs' Private Property.

Admitted _____ Denied _____

198. Admit that Plaintiffs' Google Drivers drove toward the Dwellings.

Admitted _____ Denied _____

199. Admit that the Plaintiffs' Google Drivers turned around in front of the Dwellings at or about the following distance:

- a. .1 to less than 5 feet: Admitted _____ Denied _____;
- b. 5 feet to less than 10 feet: Admitted _____ Denied _____
- c. 10 feet to less than 15 feet: Admitted _____ Denied _____
- d. 15 feet to less than 20 feet: Admitted _____ Denied _____
- e. 20 feet to less than 25 feet: Admitted _____ Denied _____
- f. 25 feet to less than 30 feet: Admitted _____ Denied _____
- g. 30 feet to less than 35 feet: Admitted _____ Denied _____
- h. 40 feet to less than 45 feet: Admitted _____ Denied _____
- i. 45 feet to less than 50 feet: Admitted _____ Denied _____
- j. 50 feet to less than 55 feet: Admitted _____ Denied _____
- k. 55 feet to less than 60 feet: Admitted _____ Denied _____
- l. 60 feet to less than 65 feet: Admitted _____ Denied _____
- m. 65 feet to less than 70 feet: Admitted _____ Denied _____
- n. 70 feet to less than 75 feet: Admitted _____ Denied _____

- o. 75 feet to less than 80 feet: Admitted _____ Denied _____
- p. 80 feet to less than 85 feet: Admitted _____ Denied _____
- q. 85 feet to less than 90 feet: Admitted _____ Denied _____
- r. 90 feet to less than 95 feet: Admitted _____ Denied _____
- s. 95 feet to less than 100 feet: Admitted _____ Denied _____
- t. 100 feet or more: Admitted _____ Denied _____
200. Admit that Plaintiffs' Google Driver could not continue forward without hitting one of the Dwellings and/or driving into the Pool.
- Admitted _____ Denied _____
201. Admit that reasonable people would interpret the circumstances of the Plaintiffs' Google Drivers turning around as being on a private driveway.
- Admitted _____ Denied _____
202. Admit that Google Drivers, properly trained, would interpret the circumstances of the Plaintiffs' Google Drivers turning around as being on a private driveway.
- Admitted _____ Denied _____
203. Admit that the Plaintiff's Google Drivers would reasonably know that the Plaintiffs' Google Driver was on Private Property when recording the Infringing Pictures.
- Admitted _____ Denied _____
204. Admit that the Plaintiff's Google Drivers would reasonably know that the Plaintiffs' Google Driver was recording information while on Private Property.
- Admitted _____ Denied _____
205. Admit that Google relies upon Google's Drivers to stop recording if any property rights are at risk.
- Admitted _____ Denied _____
206. Admit that Google does not rely upon Google's Drivers to stop recording if any property rights are at risk.
- Admitted _____ Denied _____
207. Admit that Google performs clearance review prior to publishing pictures to ensure property rights have not been and will not be violated.
- Admitted _____ Denied _____

208. Admit that Google performs clearance review prior to publishing the Infringing Pictures to ensure property rights have not been and will not be violated.

Admitted _____ Denied _____

209. Admit that Google did not redact the Infringing Pictures prior to publication on Street View.

Admitted _____ Denied _____

210. Admit that Google did not filter the Infringing Pictures prior to publication on Street View.

Admitted _____ Denied _____

211. Admit that Google's Drivers are scheduled to record on roads within certain scheduled time periods.

Admitted _____ Denied _____

212. Admit that Google's Drivers are not scheduled to record on roads within certain scheduled time periods.

Admitted _____ Denied _____

213. Admit that Google does not provide advance community notices prior to Google's Drivers recording Street View pictures.

Admitted _____ Denied _____

214. Admit that it would materially affect Google's profitability for Google to provide the advance notices suggested in the immediately preceding request.

Admitted _____ Denied _____

215. Admit that Google does not provide advance radio notices prior to Google Drivers recording Street View pictures.

Admitted _____ Denied _____

216. Admit that it would materially affect Google's profitability for Google to provide the advance notices suggested in the immediately preceding request.

Admitted _____ Denied _____

217. Admit that Google did not provide advance television notices prior to Google Drivers recording the Infringing Pictures.

Admitted _____ Denied _____

218. Admit that Google does not provide advance television notices prior to Google Drivers recording Street View pictures.

Admitted _____ Denied _____

219. Admit that it would materially affect Google's profitability for Google to provide the advance notices suggested in the immediately preceding request.

Admitted _____ Denied _____

220. Admit that Google did not provide advance postal mailings prior to Google Drivers recording the Infringing Pictures.

Admitted _____ Denied _____

221. Admit that Google does not provide advance postal mailings prior to Google Drivers recording Street View pictures.

Admitted _____ Denied _____

222. Admit that it would materially affect Google's profitability for Google to provide the advance notices suggested in the immediately preceding request.

Admitted _____ Denied _____

223. Admit that Google did not provide advance website notices prior to Google Drivers recording the Infringing Pictures.

Admitted _____ Denied _____

224. Admit that Google does not provide advance Google website area indications prior to Google Drivers recording Street View pictures.

Admitted _____ Denied _____

225. Admit that it would materially affect Google's profitability for Google to provide the advance notices suggested in the immediately preceding request.

Admitted _____ Denied _____

226. Admit that it would materially affect Google's profitability for Google to provide the advance notices suggested in the immediately preceding request.

Admitted _____ Denied _____

227. Admit that Google saves money by not providing advance notice of Google's intention to be in the general area intended for recording or other surveillance.

Admitted _____ Denied _____

228. Admit that Google saved money by not providing advance notice to Plaintiffs of Google's intention to be in the general area of Plaintiffs' Private Property.

Admitted _____ Denied _____

229. Admit providing advance prior notice would permit property owners to take precautionary measures to protect their property interests, including, but not limited to, building fences, installing gates, placing guard dogs to stand watch or posting or modifying the circumstances of signage.

Admitted _____ Denied _____

230. Admit that Google asserts that the Street View website removal [SA-28] facility by Google is the method by which Google advertises notice to Google of removal requests.

Admitted _____ Denied _____

231. Admit that Google does not have a telephone "hotline" for removal requests.

Admitted _____ Denied _____

232. Admit that Google does not have a telephone "hotline" for property inquiries by interested persons.

Admitted _____ Denied _____

233. Admit that Google does not have a telephone "hotline" for property exclusions by interested persons.

Admitted _____ Denied _____

234. Admit there is nothing similar to "**DO NOT CALL LIST**" allowing consumers to notify Google's of their property rights desires.

Admitted _____ Denied _____

235. Admit that Google has the available technology to institute a "**DO NOT RECORD LIST**" allowing consumers to notify Google's of their property rights desires in advance.

Admitted _____ Denied _____

236. Admit that Google Street View is not an "opt in" technology.

Admitted _____ Denied _____

237. Admit that Google Street View is an "opt out" technology.

Admitted _____ Denied _____

238. Admit that the Plaintiffs' Google Driver knew or should have known that the Plaintiffs' Google driver would hit one of the Dwellings by continuing forward on the road at a distance prior to the point at which Plaintiffs' Google Driver actually turned around.

Admitted _____ Denied _____

239. Admit that the Plaintiffs' Google Driver knew or should have known that the Plaintiffs' Google driver was not on a public road

at a distance prior to the point at which Plaintiffs' Google Driver actually turned around.

Admitted _____ Denied _____

240. Admit that the Plaintiffs' Google Driver knew or should have known that the Plaintiffs' Google driver would be required to turn around at a distance prior to the point at which Plaintiffs' Google Driver actually turned around.

Admitted _____ Denied _____

241. Admit that the first point of distance away from the Dwellings that Plaintiffs' Google Driver knew or should have known that the Plaintiffs' Google driver would be required to turn around was at or about:

Admitted _____ Denied _____

a. 1 foot or less;

Admitted _____ Denied _____

b. 1 foot or more, but less than 2 feet;

Admitted _____ Denied _____

c. 2 feet or more, but less than 3 feet;

Admitted _____ Denied _____

d. 3 feet or more, but less than 4 feet;

Admitted _____ Denied _____

e. 4 feet or more, but less than 5 feet;

Admitted _____ Denied _____

f. 5 feet or more, but less than 6 feet;

Admitted _____ Denied _____

g. 6 feet or more, but less than 7 feet;

Admitted _____ Denied _____

h. 7 feet or more, but less than 8 feet;

Admitted _____ Denied _____

i. 8 feet or more, but less than 9 feet;

Admitted _____ Denied _____

j. 9 feet or more, but less than 10 feet;

Admitted _____ Denied _____

k. 10 feet or more, but less than 20 feet;
Admitted _____ Denied _____

l. 20 feet or more, but less than 30 feet;
Admitted _____ Denied _____

m. 30 feet or more, but less than 40 feet;
Admitted _____ Denied _____

n. 40 feet or more, but less than 50 feet;
Admitted _____ Denied _____

o. 50 feet or more, but less than 60 feet;
Admitted _____ Denied _____

p. 60 feet or more, but less than 70 feet;
Admitted _____ Denied _____

q. 70 feet or more, but less than 80 feet;
Admitted _____ Denied _____

r. 80 feet or more, but less than 90 feet;
Admitted _____ Denied _____

s. 90 feet or more, but less than 100 feet;
Admitted _____ Denied _____

t. 100 feet or more, but less than 110 feet;
Admitted _____ Denied _____

u. 110 feet or more, but less than 120 feet;
Admitted _____ Denied _____

v. 120 feet or more, but less than 130 feet;
Admitted _____ Denied _____

w. 130 feet or more, but less than 140 feet;
Admitted _____ Denied _____

x. 140 feet or more, but less than 150 feet;
Admitted _____ Denied _____

y. 150 feet or more, but less than 160 feet;

Admitted _____ Denied _____

z. 160 feet or more, but less than 170 feet;

Admitted _____ Denied _____

aa. 170 feet or more, but less than 180 feet;

Admitted _____ Denied _____

bb. 180 feet or more, but less than 190 feet;

Admitted _____ Denied _____

cc. 190 feet or more, but less than 200 feet;

Admitted _____ Denied _____

dd. 200 feet or more, but less than 210 feet;

Admitted _____ Denied _____

ee. 210 feet or more, but less than 220 feet;

Admitted _____ Denied _____

ff. 220 feet or more, but less than 230 feet;

Admitted _____ Denied _____

gg. 230 feet or more, but less than 240 feet;

Admitted _____ Denied _____

hh. 240 feet or more, but less than 250 feet;

Admitted _____ Denied _____

ii. 250 feet or more, but less than 260 feet;

Admitted _____ Denied _____

jj. 260 feet or more, but less than 270 feet;

Admitted _____ Denied _____

kk. 270 feet or more, but less than 280 feet;

Admitted _____ Denied _____

ll. 280 feet or more, but less than 290 feet;

Admitted _____ Denied _____

mm. 290 feet or more, but less than 300 feet;

Admitted _____ Denied _____

nn. 300 feet or more;

Admitted _____ Denied _____

242. Admit that, in SA-26, the Swimming Pool is apparent to a reasonable person.

Admitted _____ Denied _____

243. Admit that, in SA-26, the Swimming Pool should be apparent to Google's Drivers.

Admitted _____ Denied _____

244. Admit that, in SA-26, the Swimming Pool should be apparent to Plaintiffs' Google Drivers.

Admitted _____ Denied _____

245. Admit that, in SA-25, the Swimming Pool is apparent to a reasonable person.

Admitted _____ Denied _____

246. Admit that, in SA-25, the Swimming Pool should be apparent to Google's Drivers.

247. Admit that, in SA-25, the Swimming Pool should be apparent to Plaintiffs' Google Drivers.

Admitted _____ Denied _____

248. Admit that, in SA-24, the Swimming Pool is apparent to a reasonable person.

Admitted _____ Denied _____

249. Admit that, in SA-24, the Swimming Pool should be apparent to Google's Drivers.

Admitted _____ Denied _____

250. Admit that, in SA-24, the Swimming Pool should be apparent to Plaintiffs' Google Drivers.

Admitted _____ Denied _____

251. Admit that, in SA-23, the Swimming Pool is apparent to a reasonable person.

Admitted _____ Denied _____

252. Admit that, in SA-23, the Swimming Pool should be apparent to Google's Drivers.

Admitted _____ Denied _____

253. Admit that, in SA-23, the Swimming Pool should be apparent to Plaintiffs' Google Drivers.

Admitted _____ Denied _____

254. Admit that Plaintiffs' Google Driver drove closer to the Dwellings than SA-26 indicates.

Admitted _____ Denied _____

255. Admit that Google Drivers are trained not to approach human swimming areas.

Admitted _____ Denied _____

256. Admit that Plaintiffs' Google Drivers are trained not to approach human swimming areas.

Admitted _____ Denied _____

257. Admit that there are not people swimming in the Swimming Pool.

Admitted _____ Denied _____

258. Admit that there are people swimming in the Swimming Pool.

Admitted _____ Denied _____

259. Admit that Google Driver's are trained not to continue closer while recording upon first recognition of the Swimming Pool.

Admitted _____ Denied _____

260. Admit that Plaintiffs' Google Driver should have not continued forward or the trespass upon first recognition of the Swimming Pool.

Admitted _____ Denied _____

261. Admit that the sealed picture in Borings Pictures 9 show points at which Plaintiffs' Google Driver should have known to stop continuing ingress.

Admitted _____ Denied _____

262. Admit that the sealed pictures in Borings Pictures 9 show points at which Plaintiffs' Google Driver should have known to stop continuing the trespass.

Admitted _____ Denied _____

263. Admit that the sealed pictures in Borings Pictures 9 show points at which Plaintiffs' Google Driver should have known to stop continuing ingress as the location of any consent, license or affirmative defense by Google.

Admitted _____ Denied _____

264. Admit that any consent, license or affirmative defense by Google in this action does not include the right to record or otherwise conduct surveillance.

Admitted _____ Denied _____

265. Admit that any consent, license or affirmative defense by Google in this action includes the right to record or otherwise conduct surveillance.

Admitted _____ Denied _____

266. Admit that any consent, license or affirmative defense by Google in this action includes the right to record or otherwise conduct surveillance by Google.

Admitted _____ Denied _____

267. Admit that any consent, license or affirmative defense by Google in this action includes the right to record or otherwise conduct surveillance for worldwide publication.

Admitted _____ Denied _____

268. Admit that any consent, license or affirmative defense by Google in this action includes the right to record or otherwise conduct surveillance for everyone in the world.

Admitted _____ Denied _____

269. Admit that any consent, license or affirmative defense by Google in this action includes the right to record or otherwise conduct surveillance for commercial enterprises.

Admitted _____ Denied _____

270. Admit that any consent, license or affirmative defense by Google in this action includes the right to record or otherwise conduct surveillance for Google and any competitor of Google.

Admitted _____ Denied _____

271. Admit that any consent, license or affirmative defense by Google in this action includes the right to record or otherwise conduct surveillance for Google and commercial enterprises similarly situated to Google.

Admitted _____ Denied _____

272. Admit that any consent or license by Google to be on Plaintiffs' Private Property in this action is absolute as a question of law and does not require any factual element.

Admitted _____ Denied _____

273. Admit that any consent or license by Google to publish the Infringing Pictures in this action is absolute as a question of law

and does not require any factual element.

Admitted _____ Denied _____

274. Admit that the sealed picture in Borings Pictures 10/Bottom shows the approximate point of turn-around by Plaintiffs' Google Driver in front of the Dwellings.

Admitted _____ Denied _____

275. Admit that Google's assertion is that it has a legal right to exist on Plaintiffs' Private Property, but not for the purpose of recording while thereon.

Admitted _____ Denied _____

276. Admit that Google's assertion is that it has a legal right to exist on Plaintiffs' Private Property and for the purpose of recording while thereon.

Admitted _____ Denied _____

277. Admit that it is part of Google's defense that the Plaintiffs' Google Drivers did not see the mailboxes at the Reis Road and Oakridge Lane Junction.

Admitted _____ Denied _____

278. Admit that it is part of Google's defense that the Plaintiffs' Google Drivers did not see the "Private Road No Trespassing" sign on Oakridge Lane Junction.

Admitted _____ Denied _____

279. Admit that it is part of Google's defense that the Plaintiffs' Google Drivers did not perceive the unpaved road or graveled nature of Oakridge Lane Junction.

Admitted _____ Denied _____

280. Admit that it is part of Google's defense that the Plaintiffs' Google Drivers did not gain an understanding prior to turning around at the Dwellings that the Plaintiffs' Google Drivers were likely to be on Plaintiffs' Private Property.

Admitted _____ Denied _____

281. Admit that it is part of Google's defense that the Plaintiffs' Google Drivers did not gain an understanding at the time of turning around in front of the Dwellings that the Plaintiffs' Google Drivers were on Plaintiffs' Private Property.

Admitted _____ Denied _____

282. Admit that it is part of Google's defense that the Plaintiffs' Google Drivers did not gain an understanding at any time after turning around at the Dwellings that the Plaintiffs' Google Drivers were likely to be on Plaintiffs' Private Property.

Admitted _____ Denied _____

283. Admit that it is part of Google's defense that the Plaintiffs' Google Drivers did not communicate to Google that the Plaintiffs' Google Drivers were likely to be on Plaintiffs' Private Property.

Admitted _____ Denied _____

284. Admit that it is part of Google's defense that Google did not perceive from the photography taken that the Plaintiffs' Google Drivers were likely to be on Plaintiffs' Private Property.

Admitted _____ Denied _____

Dated: April 2, 2010

s/Gregg R. Zegarelli/
Gregg R. Zegarelli, Esq.
PA I.D. #52717

s/Dennis M. Moskal/
PA I.D. #80106

Counsel for Plaintiffs
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mailroom.grz@zegarelli.com
412.765.0401

CERTIFICATE OF SERVICE

The undersigned hereby certifies service of process of a true and correct copy of this Motion as follows:

The following person or persons were served by depositing the foregoing document in the United States mail, postage prepaid:

Brian P. Fagan, Esq.
Keevican Weiss Bauerle & Hirsch LLC
1001 Liberty Avenue
11th Floor, Federated Investors Tower
Pittsburgh, PA 15222, USA

Tonia Ouellette Klausner, Esq.
Jason P. Gordon, Esq.
Elise M. Miller, Esq.
Joshua A. Plaut, Esq.
Gerard M. Stegmaier, Esq.
Wilson Sonsini Goodrich & Rosati, PC
1301 Avenue of the Americas
New York, NY 10019

s/Gregg R. Zegarelli/
Gregg R. Zegarelli, Esq.
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412.765.0401

Counsel for Plaintiffs

Z E G A R E L L I
Technology & Entrepreneurial
Ventures Law Group, P.C.
Allegheny Building, 12th Floor
Pittsburgh, PA 15219-1616

SA-17



Allegheny County
Valerie McDonald Roberts
Recorder of Deeds
Pittsburgh, PA 15219

Instrument Number: 2006-35262

Recorded On: October 18, 2006 As-Deed

Parties: MCQUILLAN TERRY W

To BORING AARON C

of Pages: 3

Comment:

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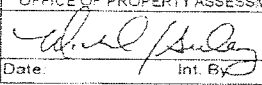
Deed 45.00
Pages > 4 0
Names > 4 0
Total: 45.00

Realty Transfer Stamp

Affidavit Attached-No Stamp Num-T279608
FRANKLIN PARK
Ward-99-NO WARD
Bik/Lot-823E136 Value 163,000.00

Commonwealth of Pennsylvania 1,630.00
Munic-Franklin Park Boro 815.00
School District-North Allegheny 815.00
3,260.00

Deed Registry Stamp

OFFICE OF PROPERTY ASSESSMENTS		BLOCK AND LOT NUMBER
 Date: _____ Int. By: _____		823-E-136

I hereby certify that the within and foregoing was recorded in the Recorder's Office in Allegheny County, PA

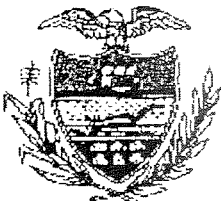
****DO NOT REMOVE-THIS PAGE IS PART OF THE RECORDED DOCUMENT****

File Information:

Document Number: 2006-35262
Receipt Number: 783523
Recorded Date/Time: October 18, 2006 02:21P
Book-Vol/Pg: BK-DE VL-13030 PG-509
User / Station: B McAdams - Cash Super 05

Record and Return To:

ELITE SETTLEMENT SERVICES
101 WEXFORD BAYNE RD STE 102
WEXFORD PA 15090




Valerie McDonald-Roberts Recorder of Deeds

General Warranty Deed - Page 2

In Witness Whereof, the said Grantor has hereunto set hand and seal the day and year first above written.

Witness

Terry W. McQuillan

(Seal)

NOTICE THE UNDERSIGNED, AS EVIDENCED BY THE SIGNATURE(S) TO THIS NOTICE AND THE ACCEPTANCE AND RECORDING OF THIS DEED, (IS, ARE) FULLY COGNIZANT OF THE FACT THAT THE UNDERSIGNED MAY NOT BE OBTAINING THE RIGHT OF PROTECTION AGAINST SUBSIDENCE, AS TO THE PROPERTY HEREIN CONVEYED, RESULTING FROM COAL MINING OPERATIONS AND THAT THE PURCHASED PROPERTY, HEREIN CONVEYED, MAY BE PROTECTED FROM DAMAGE DUE TO MINE SUBSIDENCE BY A PRIVATE CONTRACT WITH THE OWNERS OF THE ECONOMIC INTEREST IN THE COAL. THIS NOTICE IS INSERTED HEREIN TO COMPLY WITH THE BITUMINOUS MINE SUBSIDENCE AND LAND CONSERVATION ACT OF 1966.

WITNESS:

Witness

Aaron C. Boring

(Seal)

Witness

Christine A. Boring

(Seal)

COMMONWEALTH OF Pennsylvania
COUNTY OF Allegheny

On this, the 10th day of October, 2006, before me, a Notary Public, the undersigned officer, personally appeared,

Terry W. McQuillan, a single man

known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

COMMONWEALTH OF PENNSYLVANIA
IN WITNESS WHEREOF, I have hereunto set my hand and seal.

Jodi L. Powell, Notary Public
Marshall Twp., Allegheny County
My Commission Expires Jan. 21, 2008

Member, Pennsylvania Association Of Notaries

Rocco Abbatangelo
Notary Public

My Commission Expires: 10/02/06

Certificate of Residence

I, hereby certify that the precise residence of the GRANTEEES herein is as follows:

1567 Oakridge Lane, Pittsburgh, PA 15237

Witness my hand this 10th day of October, 2006

This Document Prepared By and Return to:
Elite Settlement Services
101 Wexford Bayne Road
Wexford, PA 15090

Aaron C. Boring Jodi L. Powell

SA-18

FROM:

Terry W. McQuillan, a single man

MAIL TO:

Elite Settlement Services
101 Wexford Bayne Road, Suite 102
Wexford, PA 15090

[Space Above This Line for Recording]

General Warranty Deed

This Indenture, Made the 10th day of October, 2006, Between
Terry W. McQuillan, a single man, grantor, and
Aaron C. Boring and Christine A. Boring, husband and wife, grantees.

Witnesseth, that said GRANTOR for and in consideration of the sum of

ONE HUNDRED SIXTY-THREE THOUSAND DOLLARS AND - - - - -

- - - - - NO/100 (\$163,000.00)
paid to the GRANTOR by the GRANTEES does grant, bargain, sell and convey unto the said GRANTEES, their heirs and assigns.

ALL THAT CERTAIN lot or piece of ground situate in the Borough of Franklin Park, County of Allegheny and Commonwealth of Pennsylvania, being Lot No. 1 in the Brusik Plan of Lots, as the same is recorded in the Recorder's Office of Allegheny County in Plan Book Volume 99, at page 76.

Together with the right of ingress, egress and regress over, across and upon Oakridge Lane, a twenty (20) foot private road, leading to the Reis Run Road in common with the Grantors herein and other users therein, their heirs and assigns.

Also, together with the right of ingress, egress and regress over, across and upon a fifty (50) foot road leading from the premises herein described to Oakridge Lane and more particularly designated as a fifty (50) foot strip to be given for road purposes as shown on recorded plan.

Being the same premises which John A. Brusik and Leslie A. Brusik, his wife by Deed dated July 17, 1985 and recorded July 24, 1985 in Allegheny County in Deed Book Volume 7123 Page 483 conveyed unto Terry W. McQuillan, unmarried, in fee.

Block and Lot No: 823-E-136

UNDER AND SUBJECT TO any and all building restrictions, building lines, easements, rights of way, estates, covenants, reservations, exceptions and conditions contained in prior instruments of record, or apparent from an inspection of the above described property, or shown on the recorded plan.

with the appurtenances: **To Have and To Hold** the same to and for the use of the said GRANTEES, their heirs and assigns forever. And the GRANTOR for his heirs and assigns hereby covenant and agree that he will **WARRANT GENERALLY** the property hereby conveyed.

NOTICE--THIS DOCUMENT MAY NOT/DOES NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE/HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXPECTED OR RESERVED BY THIS INSTRUMENT.

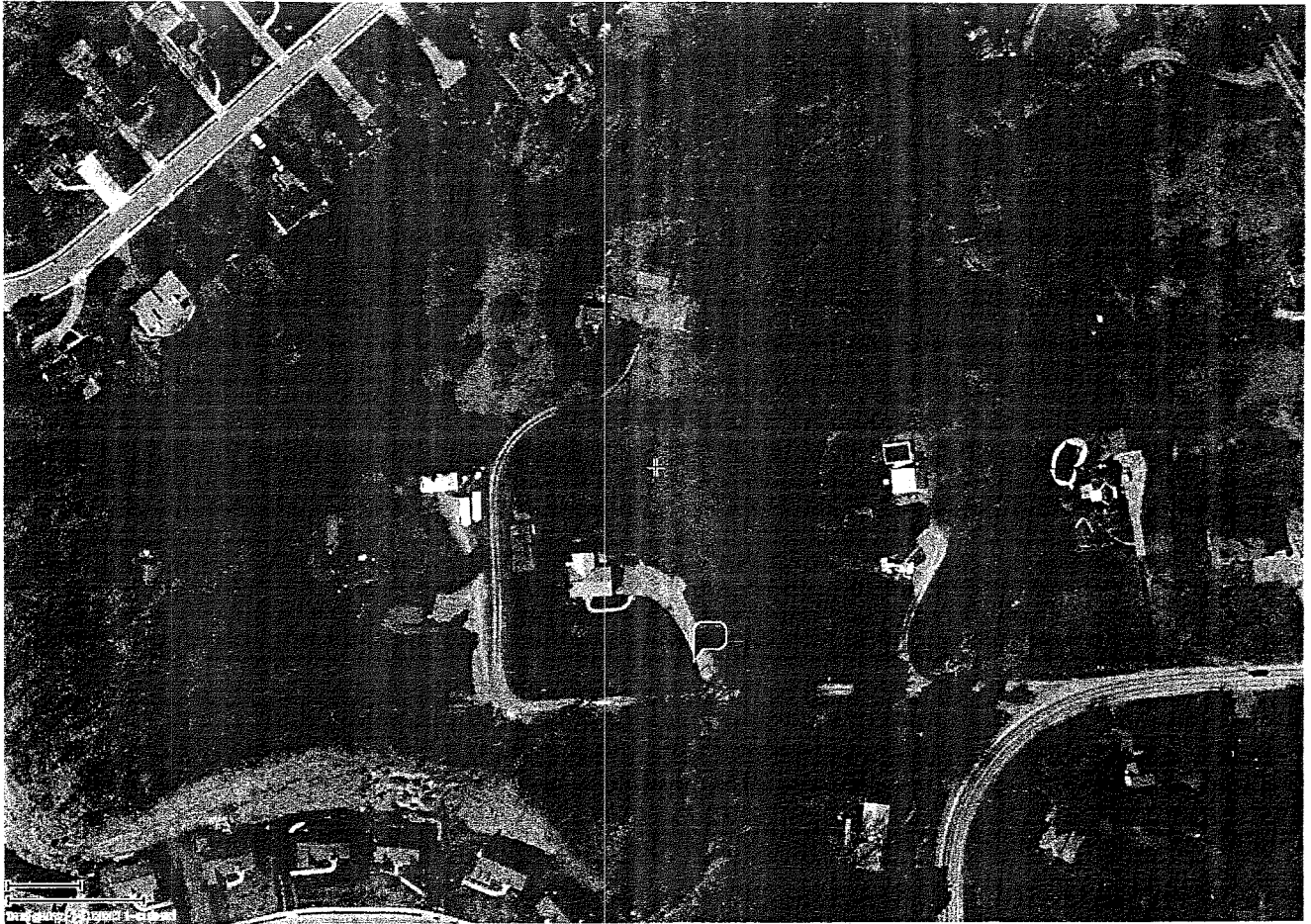
[This notice is set forth in the manner provided in Section 1 of the Act of July 17, 1957, P. L. 984, as amended, and is not intended as notice of unrecorded instruments, if any.]

W. Wayne Oster
PRESIDENT

SA-20

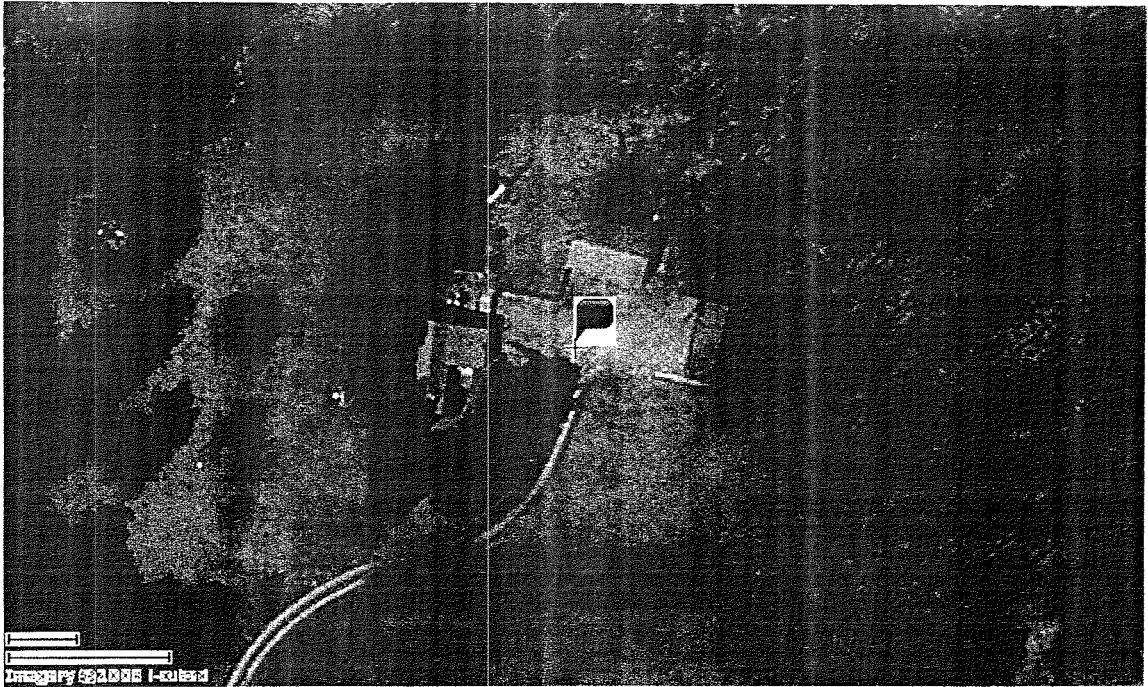
RETS RUM FORD

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SA-14

YAHOO! LOCAL
Maps

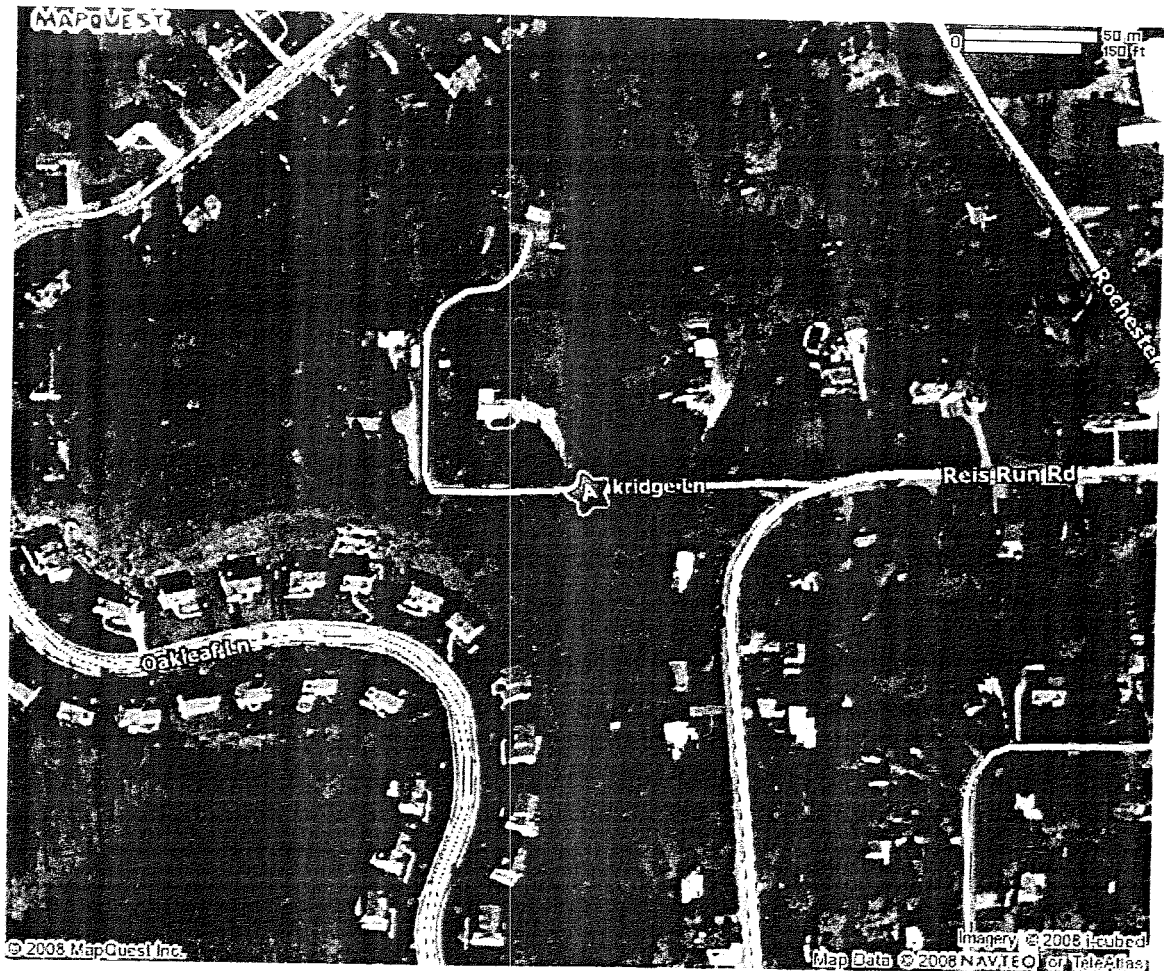


SA-15

MAPQUEST



A: 1567 Oakridge Ln, Pittsburgh, PA 15237-1416



Directions and maps are informational only. We make no warranties on the accuracy of their content, road conditions or route usability or expeditiousness. You assume all risk of use. MapQuest and its suppliers shall not be liable to you for any loss or delay resulting from your use of MapQuest. Your use of MapQuest means you agree to our Terms of Use

SA-16

Live Search Maps

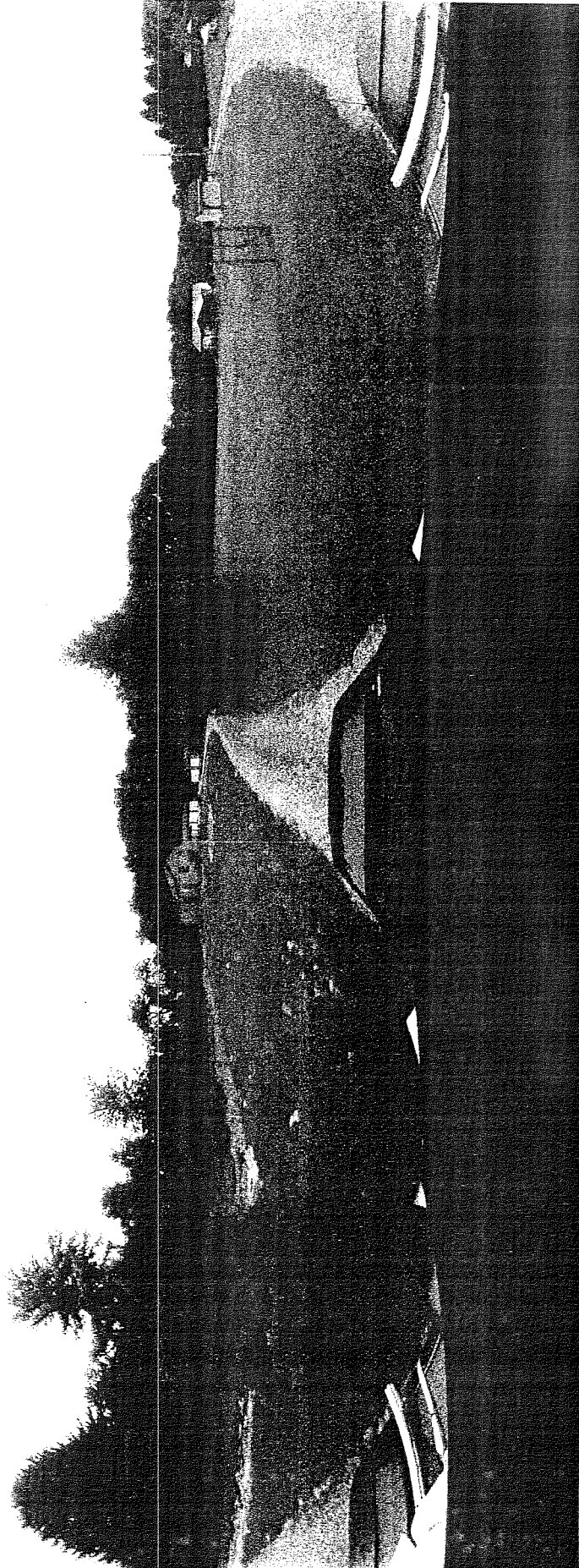
1567 Oakridge Ln, Pittsburgh, PA
15237-1416

My Notes

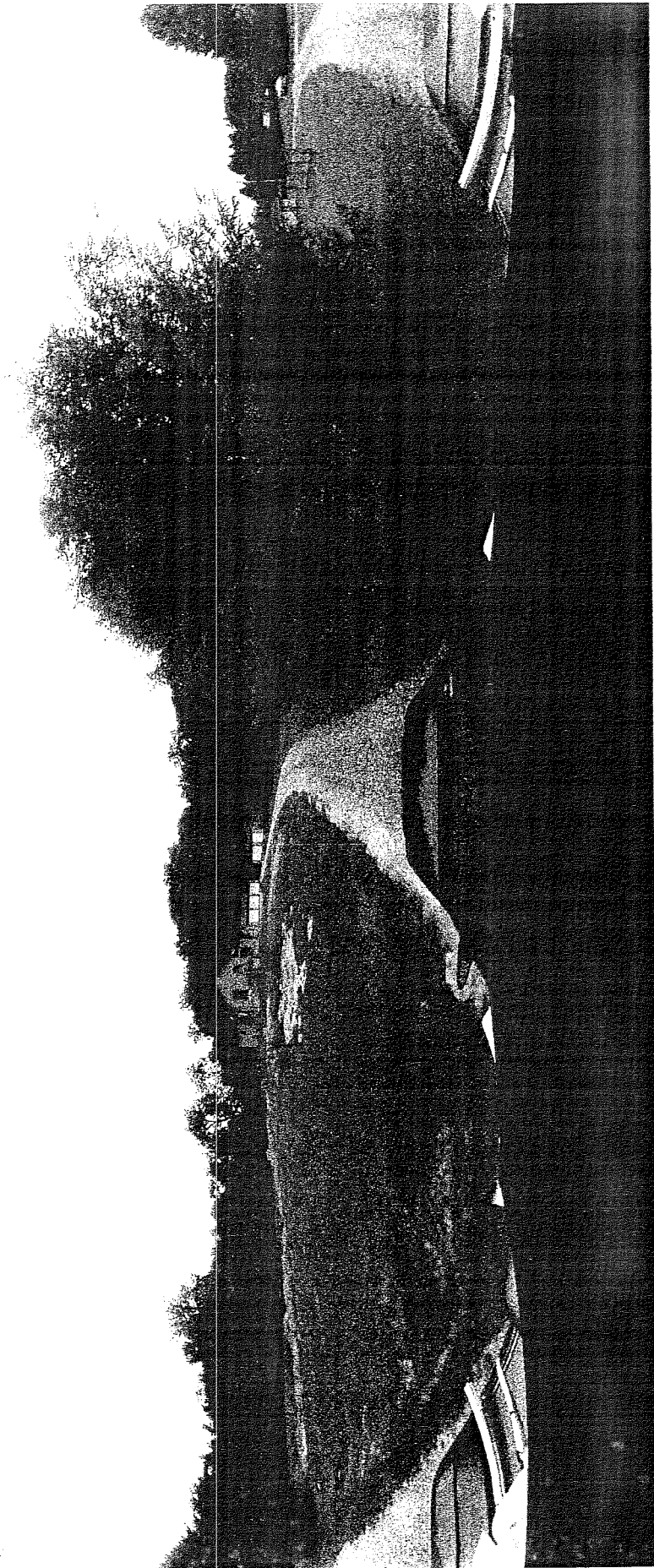
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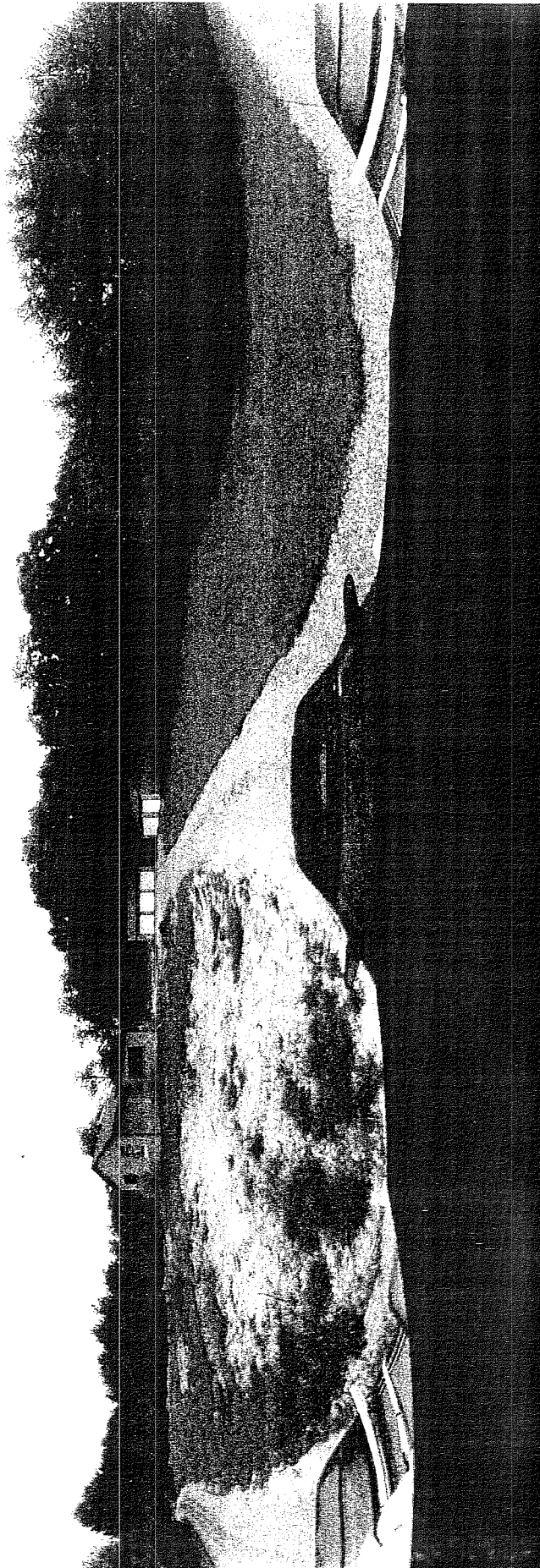
SA-21



SA-22



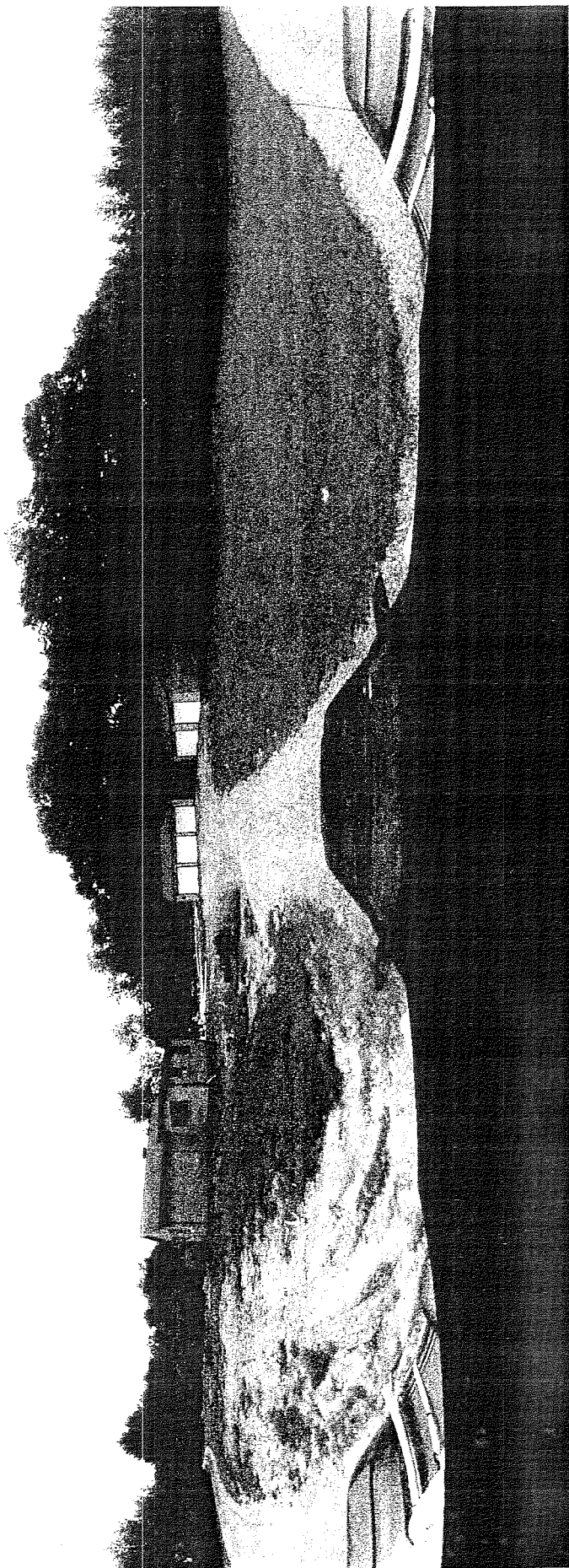
SA-23



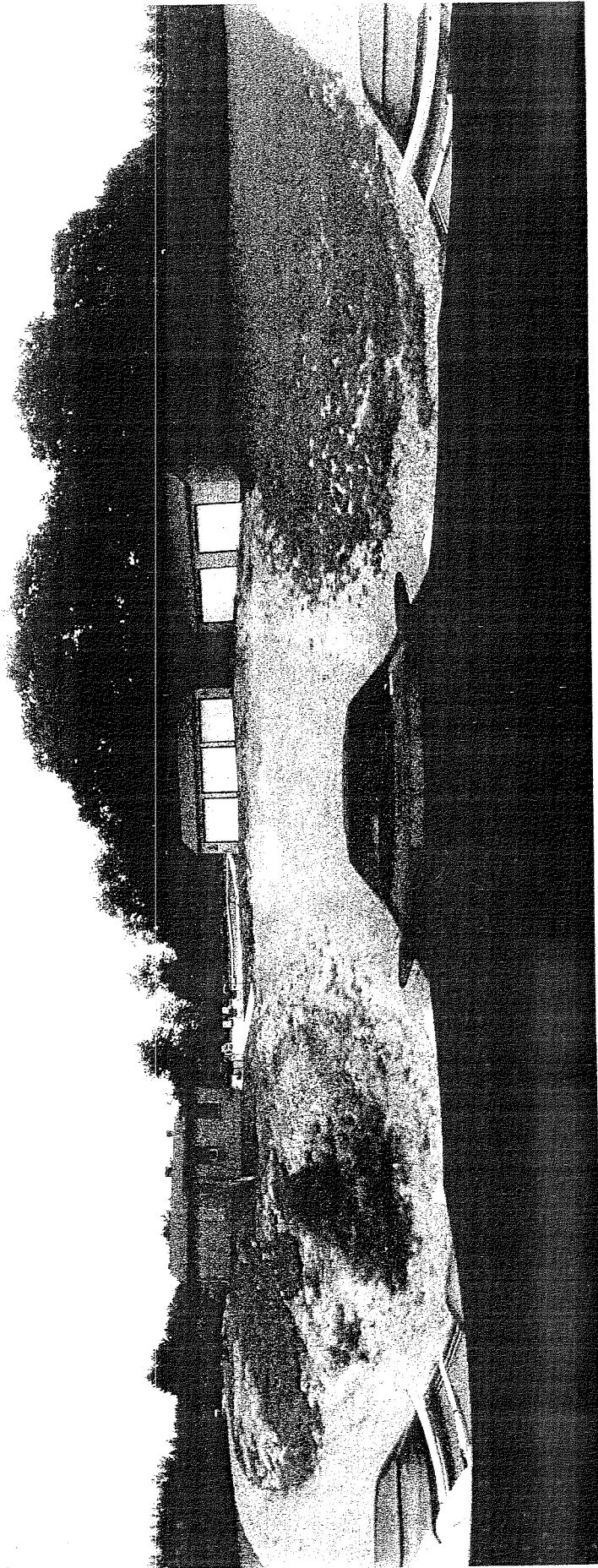
SA-24



SA-25



SA-26



Report Inappropriate Image

Google takes concerns about its services very seriously. Please use the link below to report concerns about an inappropriate street view.

Current Street View Grant St

[illegible]

Using Street View

In certain locations, you can view and navigate within street-level imagery. Here's how:

Blue outlines show roads where street view is available

This icon shows where you are on the map. The green arrow points in the direction you're looking. You can drag the icon to navigate to a different location. You can also just click on a blue-outlined road to go there.

Drag the street view to look around 360°. Use the arrow buttons to navigate down the street. You can also use the arrow keys on the keyboard.



Italy convicts Google execs over uploaded video

By Hibah Yousuf, staff reporter

February 24, 2010: 7:52 AM ET

NEW YORK (CNNMoney.com) -- A judge in Milan found three Google executives guilty Wednesday of violating Italy's privacy code over a video that was uploaded on the search giant's video platform, the company said.

After being notified about the video -- which showed students bullying an autistic classmate -- by Italian police in 2006, Google took the video down within hours, said Matt Sucherman, the company's vice president and deputy general counsel for Europe, the Middle East and Africa, in a blog post.

He added that the company continued to work with authorities to help identify the student who uploaded the video, and she and other students involved were sentenced to 10 months of community service by a court in Turin, Italy. The video was uploaded to Google Video, prior to the company's purchase of YouTube.

Sucherman said a public prosecutor in Milan then indicted four Google executives -- senior vice president and chief legal officer David Drummond, chief privacy counsel Peter Fleischer, marketing executive Arvind Desikan and former chief financial officer George Reyes -- for criminal defamation and

violation of the country's privacy code.

All but Desikan were found guilty of the privacy charge, and the judge found all four executives not guilty of criminal defamation.

Google said it plans to appeal the court's decision because its employees "had nothing to do with the video in question" and for its implications on Internet freedom and censorship.

"In essence this ruling means that employees of hosting platforms like Google Video are criminally responsible for content that users upload," Sucherman said. "Common sense dictates that only the person who films and uploads a video to a hosting platform could take the steps necessary to protect the privacy and obtain the consent of the people they are filming."

Following the sentencing, Google's lawyer Giuseppe Banan told reporters that legal codes do not require Google, the Internet or any other company to control content before it is uploaded to the Web.

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But prosecutor Alfredo Robledo said "the right of enterprise cannot rule over that of dignity of the human being," and expressed his satisfaction with the judge's ruling.

In his blog post, Sucherman argued that Google acted in harmony with European Union law, which protects hosting providers as long as they remove illegal content once notified of its existence.

Sucherman said if Web sites such as Blogger, YouTube, and other social networks are held responsible for the text, photos, and videos uploaded to them, "then the Web as we know it will cease to exist, and many of the economic, social, political and technological benefits it brings could disappear."

Google is also being [investigated](#) by European antitrust officials, who have received complaints about the search giant's practices from three different European Internet companies.



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Stories in Sports; updates at pressdemocrat.com

THURSDAY, AUGUST 21, 2008

WWW.PRESSDEMOCRAT.COM

SANTA ROSA, CALIFORNIA

signed a deal Wednesday to place a U.S. missile defense base just 115 miles from Russia — a move followed swiftly by a new warning from Moscow of a possible military response.

For many Poles, whose country has been a staunch U.S. ally in Iraq and Afghanistan, the accord represented what they believed would be a guarantee of safety for themselves in the face of a newly assertive Russia.

Negotiators sealed the deal last week against a backdrop of Russian military action in Georgia, a former Soviet republic.

TURN TO POLAND, PAGE A5

Google claims right to post photos from private land

Analysis shows more than 100 private roads in Sonoma County entered by company's map team

By NATHAN HALVERSON
THE PRESS DEMOCRAT

Don't expect privacy in your front yard, even if your house is located one mile down a private, dirt road.

In a sweeping legal claim, Google re-

cently stated it has the right to enter private roads and driveways to take photographs of people and their property, and then publish the images online.

From Sonoma County to Humboldt County and as far away as Australia, the Internet giant has already posted photographs taken on private property.

"It isn't just a privacy issue; it is a trespassing issue with their own photos as evidence," said Betty Webb, a Humboldt County resident.

Webb said Google drove up her private road and past two "No Trespassing" signs to photograph her property.

"They really went off the track to get to our address. We are over 1,200 feet from a county road," she said in an e-mail.

The panoramic images taken by Google can be viewed by anyone with an Internet connection using its free mapping tool, Street View.

In Sonoma County, the company has sent its car-mounted cameras up more

than a hundred private roads, driving past "No Trespassing" signs, through open gates and even skirting a barking watchdog. It has also covered hundreds of miles of public roads from Sonoma to Timber Cove, and most of the cities and thoroughfares in between.

While the U.S. Supreme Court affirmed the right of individuals and companies to capture images on public

TURN TO GOOGLE, PAGE A4

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SANTA ROSA

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A2
C1
D4
B2

DEADLY PLANE CRASH IN SPAIN

153 die, 19 survive after flight taking off from Madrid plows into trees near runway, ignites

A3



BEYOND THE POLKA

Celebrate the accordion at Cotati's 18th annual festival this weekend

TimeOut

HOPING TO STAY IN PETALUMA

San Francisco lawyer for Belarus exchange student says teen's visa is valid through Christmas

EMPIRE

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THE PRESS DEMOCRAT • THURSDAY, AUGUST 21, 2008

GOOGLE: Legal analysts question company's right to drive onto private land and take photos

CONTINUED FROM PAGE A1

property, Google's more ambitious claim to take photographs on private property is being challenged in federal court in Pennsylvania.

A Pittsburgh couple sued Google in April for trespassing and invasion of privacy after a camera-equipped car drove up their private road and driveway, and then posted the pictures online.

Google's ambitious mapping goal, which the company hopes will improve its \$4 billion in an-

nual profits, has drawn the ire of privacy advocates and homeowners, and driven some law experts to question its legality.

On private roads

Sonoma County maintains 1,381 miles of public roads, excluding city streets. Beyond that, hundreds of private roads extend to secluded homes tucked into the county's most remote regions.

Some of these private roads look remarkably similar to public roads, while others are gated roads that serve as long, dirt

driveways.

Google has driven up both types of private roads in Sonoma County, going through open gates and past private property signs.

The Press Democrat analyzed the extent of Google's incursion onto private property using digital maps provided by the county of Sonoma. The analysis found Google had photographed along more than 100 private roads.

A Google spokesman said it does not request data about private roads from counties before

sending out its fleet of camera-equipped drivers. Such requests would have slowed down the deployment of Street View, he said.

While Google claims it has the right to photograph from private roads, it tries to avoid it, said spokesman Larry Yu.

"Our policy is to not drive on private land," Yu said.

But Yu could only give two examples of how Google enforces that policy. The company trains drivers thoroughly, he said, declining to elaborate. And Yu said Google tries to

hire local drivers, who are expected to intuit the difference between a public and private road.

Yu initially stated drivers were given specific routes to follow. But a Street View driver, who asked to remain anonymous for employment reasons, said he was simply told to drive around Sonoma County and collect images. Yu retracted his assertion after learning of the driver's statement.

Residents who want images removed must contact Google through an online form found in its Street View help section.

Google's view

Google's stated mission is to "organize the world's information and make it universally accessible and useful."

But in collecting Street View images on four continents, the company might have overstepped its bounds, according to legal experts.

Google's claim to legally photograph on private roads is derived, in part, from its assertion that privacy no longer exists outdoors because of satellite and aerial photography.

"Today's satellite-image technology means that even in today's desert, complete privacy does not exist," according to a legal document filed by Google in an effort to dismiss the Pittsburgh couple's lawsuit.

However, satellite images provide significantly different details than photographs taken from the ground, according to photography analysts.

With Street View, it is possible to see into homes, locate windows and doors, and glean other valuable information, said George Reiss, owner of Imaging Forensics in Fountain Valley.

"The angle of aerial photographs don't allow it to show much of that kind of detail," Reiss said.

Blocking Google

Google also claimed the Pittsburgh couple, Aaron and Christine Boring, did not have an expectation to privacy because they did not go far enough to keep people off their private dirt road.

"There is nothing around their home intended to prevent the occasional entry by a stranger onto their driveway. There is no gate, no 'keep out' sign, nor guard dog standing watch," Google's legal team wrote in a motion to dismiss the lawsuit.

But in Sonoma County, Google's own cameras caught it going through a gate, past a "No Trespassing" sign, and by a dog standing watch.

On Orr Ranch Road, a private street outside of Santa Rosa, Google drove its car past a "Private Road" sign and continued photographing for nearly a mile. Near Freestone, the company drove past a "No Trespassing" sign and through a gate to take photographs from a dirt road that passed through someone's yard. The images allowed Internet users to see inside someone's living room window.

On Simone Road, a private drive near Sonoma, a dog is captured stalking alongside Google's car.

Right to privacy

Americans have broad rights to photograph under the First Amendment of the Constitution. But Roger Myers, who provides legal counsel to the California First Amendment Coalition, said he would caution a photojournalist from walking up a private dirt road to take photographs.

"The journalist would want to talk to their lawyer before they do that," Myers said. "I wouldn't be comfortable saying don't worry about it because there is aerial photography."

Eric Biber, an assistant professor of law at UC Berkeley, said California courts can be quick to enforce trespass laws.

"The court system is often very protective of people's rights to keep people off their land," Biber said. "It may be hard for (Google) to avoid liability."

But Google's lawyers contend its camera-equipped cars have as much right to go up someone's private road as a UPS delivery truck or telephone repair technician.

"Google, like any other member of the public, was privileged to briefly drive up plaintiffs' driveway," Google said in court documents.

Google claimed that "turning around in a private driveway while photographing the exterior of a home is not a substantial intrusion."

If people want to keep Google off their private road, they might have to install an electronic gate that only opens after a driver agrees to the terms of entry, said Chris Ridder, a residential fellow at Stanford Law School's Center for Internet and Society.

"That's where we are headed in a few years," he said. "It's something we have to come to grips with: The tension between new technology and privacy."

You can reach Staff Writer Nathan Halverson at 521-5494 or nathan.halverson@pressdemocrat.com.

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