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FILED
SUPERIOR COURT
COUNTY OF SAN FRANCISCO

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7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 IN AND FOR THE COUNTY OF SAN FRANCISCO
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11 Case No.

CGC 14-539972

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Plaintiff

~~Google~~ S. Louis Martin

Complaint
Anti-trust

Defendant

Google Inc.

Complaint as follows:

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THE CASE AGAINST GOOGLE

Google Inc., which monopolizes the search-engine business, has caused grievous harm to CoastNews.com, an arts, entertainment, cultural, and travel web site that also includes the *San Francisco Restaurant and Dining Guide*. Moreover, Google has knowingly done so in the ways described below.

Violation 1: Antitrust Law, Both at Smaller Business and Consumer Levels

Unfair to Smaller Business

First, Google returns biased search results that favor its own paid advertisers and Google-owned companies. The FTC confirmed this in a January 2013 ruling. The EU has recently confirmed this as well, and the UK is now taking up the issue. While this may not financially impact each and every website, it does impact most; and it definitely impacts a website like CoastNews.com, which includes a restaurant guide among other sections. When you search on Google, Bing, and Yahoo, please see the results of a search for these keywords: "San Francisco restaurant guide North Beach". Google does not show CoastNews.com at all; Bing shows

CoastNews.com as #1 out of some 32 million (the top position), and Yahoo shows CoastNews.com as #1 as well. (This can of course vary a bit from day to day.) Try the same search with "Chinatown" or "Nob Hill" substituted for "North Beach". The results are much the same. Bing and Yahoo give CoastNews.com top ratings; CoastNews.com does not appear on Google.

The above makes it impossible for CoastNews.com to compete against Google properties and advertisers, as Google absolutely dominates the search business. Thus it constitutes an unfair business practice. No matter how good CoastNews.com is, Google, by virtue of its monopoly status and biased search results, makes CoastNews.com invisible to potential customers. As a "disappeared" website, no fair chance exists for CoastNews.com to compete against Google's advertisers and properties.

Harm to Consumer

But the situation is even worse than it looks. Google provides search results that mislead its users. Google does not provide honest results to queries; it provides results or answers that are paid for directly or indirectly. If Google were not paid, it would provide other results based on the best possible answers to the search query, not the most profitable answer to Google. While in the case of a restaurant search, you could be

directed to the worst restaurant in the city; in the case of a pharmaceutical question, you might be directed to a drug that would kill you.

Think the latter is fanciful? Consider the LA Times story of 22 May 2014 that states: "Officials from Orange and Santa Clara counties—both hit hard by overdose deaths, emergency room visits and escalating medical costs associated with prescription narcotics—contend the drug makers violated California laws against false advertising, unfair business practices and creating a public nuisance."

Clearly there is something wrong here—something that even a child would understand. And the evidence is indisputable—it does not take profound intelligence to grasp—and surely any honest, unbiased court of law should be able to understand this. Yet Google continues to deny that it provides biased search results and goes unpunished by the courts.

Note: Biased search results violate fundamental expectations of fairness and honesty. It is as if a calculator, asked for the sum of $2 + 2$, says the answer is 5. The user, feeling that something is wrong, might say, "I think there is problem here." Google's replay would be, "Well, the number 5 paid us to say it; get used to it."

This is Orwellian and it is perjury for profit. Google should be ashamed but clearly is not.

But let us take this even further: Suppose you take a string of say 7 to 15 words (not quotes around the string) from a story by CoastNews.com and Google shows that they come from a list of its advertisers, while Bing and Yahoo correctly show them as coming from CoastNews.com. Now suppose you surround the search words in quotes (which means the words must appear in the exact order listed). Then Google relents and admits they come from CoastNews.com. Google then has no choice. (Interesting note: This example proves that Google does in fact know the true source of the word string.) But given a choice, Google will lie and say the words come from its paid advertisers or own properties. By the same token, lines from Shakespeare's Hamlet might be attributed to an ad from Proctor & Gamble. (At the time of this writing, 15 May 2014, Google has made a change to avoid this grossly deceptive practice, at least in most cases. In direct quotes, Shakespeare is now attributed to Shakespeare and CoastNews.com is attributed to CoastNews.com.)

AdSense, AdWords

It would be nice to say that the story of Google Search evil ends with the harm to consumers and smaller business described above, but there is even more evil lurking in the Google business model. It goes by two names: *AdWords* and

AdSense. AdWords is the advertising sales part of the Google empire; AdSense is the advertising publishing part of the empire. Via AdWords, companies or individuals can purchase advertising on a variety of websites from Google. Via AdWords, companies or individuals can offer advertising space on their websites, allowing Google to place ads on those sites via Google code that the publisher embeds on its pages. But here too we encounter anti-trust violations: AdWords and AdSense are the only games in town. There are simply no viable alternatives for buying or selling advertising on the Internet. And Google has made quite sure of this. Part of the AdWords and AdSense contracts stipulates that buyers and sellers will do business with no other entity than Google. If a company or business is detected by the Google "cop" buying advertising space or selling it to anyone or thing other than Google, that company or individual will be cut off. And furthermore, they will find, if they didn't know it already, that they have no viable alternative. The buyer will find their product or service "disappeared," for all practical purposes, on the Internet. The seller will find that they have no one to sell their space to. Effectively, it is Internet homicide with the murderer walking away smug, rich, and free.

Violation 2: Deceptive Business Practice

Second, on 2 May 2013 Google ceased delivering ads to CoastNews.com, which has been a Google AdSense partner for over eight years. Google falsely charged CoastNews.com with being a "pornography" web site. Nothing could be further from the truth. Please see <http://www.coastnews.com>. If you are looking for lewd or lascivious content, you are going to be deeply disappointed on CoastNews.com.

Google cited an article on a popular nudist colony in the Santa Cruz mountains, giving us three days to remove the article or the ad code from the page. (The ad code allows Google to deliver ads to a page.) Reluctantly, we removed the ad code but were then told that there could be other, though unspecified, problems on CoastNews.com pages.

This was all disingenuous. Some research reveals what is partly going on here: Google is trying to "sanitize" all pages on which a Google ad might appear. Moreover, they are pursuing this goal as a kind of holy war against certain words. Words such as "health," "pregnancy," "family planning," "childbirth," "sex," or "escort" could now get the writer/publisher into deep trouble—regardless of context or meaning. Sentences such as, "She massaged his injured leg at the clinic" or "The lovely hostess escorted the handsome couple to their table" or "I did not notice the sex of the snake that bit my hand" could be flagged as pornographic or "adult" even

though they clearly were not. And Google was telling us to sanitize pages that it has placed ads on for more than five years! As CoastNews.com contains no pornographic material, this is an unreasonable demand; and the implication that such words as "sex" or "escort" automatically imply pornographic or adult content is childish; such false identification simply reveals the shortcomings of Google software to detect the actual meaning of sentences. This is a software problem, not a content problem. Such concerns place an unfair burden upon working writers trying to make a living at their craft and publishers trying to deliver authentic content, while grossly underestimating the intelligence of readers.

Note: Google is the biggest pornography site in the world. Hence, the above is ironical. Go to *images.google.com* and try a search on "naked young women" and you will get the shock of your life. The UK has complained about this but so far Google chooses to do nothing. One might fairly ask: Why does Google refuse to remove its pornography web sites? Simply money. They used to run ads on those sites, but due to complaints about directly profiting from pornography, Google removed the ads but did not remove the sites themselves. Why? Because if they removed the sites, then customers might leave the Google Search site for other, non-Google search engines. That would mean downstream loss of revenue from other ads. It is

entirely analogous to a customer going to Macy's for a pair of shoes, not finding the shoes he or she wants, then going over to Saks Fifth Avenue. In many cases the customer will continue to shop at Saks, and not go back to Macy's. Thus Google avoids a revenue loss by providing its pornography sites, which one should note include child pornography. (Easy for the court to prove by going to *images.google.com* and searching on "naked young women".)

It may also be the case that Google has chosen this course of action—accusing CoastNews.com of pornography—simply as an excuse to get CoastNews.com out of its restaurant revenue space, which is now very lucrative. Their morality argument is actually a rather weak one, given Google's massive pornography operations.

Note that an email inquiry sent to AdSense support was answered by an automated responder that said, in Darth Vader fashion, that our account status was too low to warrant a personal response; it said that we could only file an automated appeal, which we subsequently did. Note that that email and its response has been deleted from my gmail account, which constitutes email tampering and destruction of evidence. Note also that the appeal that was subsequently filed was denied by Google before being filed. This has been reported by at least one other AdSense litigant. How open, or let us say *unbiased*, is such an appeal process?

Violation 3: Wanton Destruction of Business Property to Harm Competition

But the damage to CoastNews.com goes even deeper. The result of Google discontinuing ad delivery to CoastNews.com pages has left gaping holes on those pages. Where ads once appeared, now there are inexplicable gaps in pages. Surely Google knew what the result would be but did it anyway, leaving the CoastNews.com web site severely marred aesthetically in the process. Three-days notice of a shutdown of ad delivery is nothing other than wanton destruction. If they do not resume ad delivery—and it appears they have no intention of doing so—it will take months to weed Google ad code out of CoastNews.com pages and restore their appearance. CoastNews.com has become the "collateral" damage of the Google profit model, which recognizes no boundaries of fairness, decency, morality, or the law. The "do no evil" motto of Google's founders has been changed to "maximize evil."

Summary

In summary, Google has clearly violated antitrust law, both (1) harming the consumer by providing

false search results that are paid for by advertisers, or by providing search results totally in favor of their own properties; and (2) making small business competitors invisible and thus incapable of doing business on the Internet. Furthermore, Google has engaged in egregiously deceptive business practice by classifying CoastNews.com a pornography website, which it clearly is not, when, ironically, Google is the largest pornography site in the world. Additionally, Google has wantonly destroyed the website of a competitor by withholding the display of advertising that it has delivered for over eight years. These charges are clear, obvious, and irrefutable upon the smallest amount of testing; and a heinous violation of business law. Moreover, refusal by the court to take action simply implies complicity.

Compensation And Punitive Damages

For the above reason, CoastNews.com seeks 2.5 million USD in compensatory damages for years of lost business and future growth, and 2.5 million USD in punitive damages for the appalling behavior of Google.

By Dr. S. Louis Martin

[See Corroboration of Experts](#)

CORROBORATION OF EXPERTS

"If you don't call this a MONOPOLY, let me know the definition of monopoly...", says Ahmet Kirtok on [Small Business Arena](#) regarding Google-only AdWords policy.

(on Monopoly/Anti-trust)

"Investors are skeptical of betting on mostly unprofitable upstarts in a highly fragmented market, where Google has the power to control pricing and crush competitors," says Michael Binger, a portfolio manager at Gradient Investments LLC and Google shareholder.

—[FAIR SEARCH](#)

(on Monopoly/Anti-trust)

"I do believe that Google's practices are worthy of discussion with competition authority, and we have certainly discussed them with competition authorities," said Ballmer of Microsoft. "I don't think their practices are getting less meritorious of discussion." —Steve Ballmer on [The Verge](#)

(on Monopoly/Anti-trust)

"The restrictions are such that online writers who need to earn a living must stick to stories about fluff and celebrities and anything that can have a happy face plastered over it," says writer Rupert

Taylor on site.io.

(on AdSense)

"Google founders Brin and Page (1998, 18), who initially opposed the idea of paid advertisement on search engines, noted that it would seem reasonable to

expect that advertising funded search engines will be inherently biased towards the advertisers and away from the needs of consumers... Since it is very difficult even for experts to evaluate search engines, search engine bias is particularly insidious...[and] less blatant bias are likely to be tolerated by the market."

The study goes on to state:

"Search engines have often been described as the 'gatekeepers of cyberspace,' and some critics note that this has significant implications for democracy. For example, Diaz (2008, 11) points out that

if we believe in the principles of deliberative democracy—and especially if we believe that the Web is an open 'democratic' medium—then we should expect our search engines to disseminate a broad spectrum of information on any given topic.

"Hinman (2005, 25) makes a similar point, when he notes that 'the flourishing of deliberative

democracy is dependent on the free and undistorted access to information.' And because search engines are 'increasingly the principal gatekeepers of knowledge,' Hinman argues that 'we find ourselves moving in a philosophically dangerous position.'"

—from [Search Engines and Ethics from the Stanford Encyclopedia of Philosophy](#)

(on Philosophy/Ethics)

"Officials from Orange and Santa Clara counties —both hit hard by overdose deaths, emergency room visits and escalating medical costs associated with prescription narcotics —contend the drug makers violated California laws against false advertising, unfair business practices and creating a public nuisance." —from [LA Times, 22 May 2014](#)

(on AdWords)

"O'Connor founded FindTheBest in 2009 after selling his ad network, DoubleClick, to Google for \$3.1 billion two years earlier.

He was frustrated by the lack of easily available quality information when he searched Google for phrases like 'what's the best ski resort?' He wanted to build a site that would let people enter such queries and receive a trove of useful information that would help them make an informed decision about, say, where to spend

that ski holiday. (O'Connor was disappointed when a search steered him to Deer Valley, Utah.)" ...

"The pattern we are seeing is that people find search systems that let them focus on their main interests or within specific online communities,' said Ray Larson, a professor at UC Berkeley's School of Information. 'I suspect that part of the reason that these niche search systems are springing up is that nobody can afford to compete with Google head-to-head, but for specialized markets they can get some traction.'" ...

—The Chronicle with Bloomberg/SF Gate, 13 May 2014

(on Monopoly)

"The would-be AdSense customer who filed suit against Google for fraud and misrepresentation says the search company also entered her Gmail account and removed all communications regarding the dispute, Google Watch has learned." —eWEEK, 2006-09-05

(on AdSense ...)

Dr. S. Louis Martin
—compiled by Dr. S Louis Martin

General Information

Court	Superior Court of California,County of San Francisco
Docket Number	CGC14539972
Status	Open