

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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GOOGLE INC.,	)	CASE NO.: 1:15-mc-00150-P1
	)	
Petitioner,	)	CASE IN OTHER COURT:
	)	No. 3:14-cv-00981-HTW-LRA (S.D.
v.	)	Miss.)
	)	
TWENTY-FIRST CENTURY FOX, INC.,	)	<b>ECF CASE</b>
NBCUNIVERSAL MEDIA, INC., and	)	
VIACOM, INC.,	)	<b>Hon. Lorna G. Schofield</b>
	)	
Respondents.	)	
	)	
	)	

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**NOTICE OF SUPPLEMENTAL EVIDENTIARY SUBMISSION IN FURTHER  
SUPPORT OF GOOGLE INC.’S MOTION TO COMPEL**

Google Inc. (“Google”), by and through its counsel, respectfully submits this Notice of Supplemental Evidentiary Submission in Further Support of its Motion to Compel (Dkt. No. 1) in order to update this Court with respect to a key document just produced in discovery by AG Hood in the underlying litigation in Mississippi.

Twenty-First Century Fox, Inc. (“Fox”), NBCUniversal Media, LLC. (“NBC”), and Viacom, Inc. (“Viacom”) (collectively, “the Subpoenaed Parties”) have refused to produce any documents relating to in-kind contributions or other consideration they gave to AG Hood. All they have provided is a document “sufficient to show” the amount of money they directly gave to him. The enclosed document shows why the Subpoenaed Parties’ limitation is improper, and why the documents Google has actually requested bear directly on the issue of AG Hood’s illicit motivations.

The document just produced is an email conversation between AG Hood’s staffers and Brian Cohen, Director, External State Government Affairs for the Motion Picture Association of

America (Bates numbered D000904 to D000908, attached hereto as Exhibit 1). AG Hood's office attaches a "confidential" proposed plan for his anti-Google campaign in advance of a meeting in Boston. That plan provides for extensive support from the Subpoenaed Parties to AG Hood, aimed at pressuring Google to censor speech. The plan includes:

- A recommendation that "NewsCorp ... develop and place an editorial in the WSJ emphasizing that Google's stock will lose value in the face of a sustained attack by AGs and noting some of the possible causes of action we have developed;"<sup>1</sup>
- The suggestion that NBC's government relations department could help AG Hood place an anti-Google segment on the Today show;
- The proposal that AG Hood "work[] with MPAA (Vans), Comcast, and NewsCorp (Bill Guidera) to see about working with a PR firm to create an attack on Google (and others who are resisting AG efforts to address online piracy);"<sup>2</sup>
- The suggestion that "[f]ollowing the media blitz, you want Bill Guidera and Rick Smotkin [(NBC)] to work with the PR firm to identify a lawyer specializing in SEC matters to work with a stockholder. This lawyer should be able to identify the appropriate regulatory filing to be made against Google;" and
- As a last resort, a proposal that AG Hood and any other state attorneys general willing to sign on issue CIDs (written by the Subpoenaed Parties' lobbyists).

The document thus shows that the CID was not the foundation of a legitimate investigation—rather, it was a "final step" that would be issued only "if necessary" to further pressure Google to capitulate to the demands of AG Hood and his supporters.

The Subpoenaed Parties were supporting that effort and plainly privy to AG Hood's thinking. Google can only assume that the Subpoenaed Parties have and are withholding other documents reflecting contributions to AG Hood's cause and the *quid pro quo* they expected to receive. Those documents would shed further light on AG Hood's motivations.

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<sup>1</sup> The email exchange took place before News Corp and Fox were split into two entities.

<sup>2</sup> Comcast owns NBC.

For these reasons and those stated in Google's memorandums of law, Google's motion to compel should be granted.

Dated: July 23, 2015

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI  
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