

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

CANDACE MORGAN, Plaintiff, v. GOOGLE LLC, JEAN DOES 1-2, Defendants.	CIVIL ACTION NO. 1:23-cv-03147 Hon. John R. Blakey
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NOTICE OF MOTION AND MOTION TO COMPEL INTERNAL DOCUMENTS FROM GOOGLE IN RESPONSE TO REQUESTS SERVED IN NOVEMBER 2023

PLEASE TAKE NOTICE THAT on Wednesday March 27, 2023 at 11:00 a.m., Plaintiff Candace Morgan (“Ms. Morgan”) will appear before the Honorable John R. Blakey, in the United States District Court for the Northern District of Illinois, 219 S. Dearborn Street, Chicago, IL, Room 1203, and present Plaintiff’s Motion to Compel Internal Documents from Google in Response to Requests Served in November 2023, copies of which are hereby served upon you.

In support of the Motion, Plaintiff states as follows:

1. The Complaint alleges that starting in 2022 and continuing into early 2023, individuals that remain unidentified began a campaign of on-line harassment of the Plaintiff by leaving a series of negative reviews about businesses affiliated with the Plaintiff on a website controlled by Defendant Google, Google Maps.

2. The Complaint further alleges that while the harassment started under a presumably fictitious username (“Mike Hunt”), Google allowed the harasser to change the

username from Mike Hunt to Candace Morgan, such that the harasser was now impersonating Ms. Morgan, appearing to leave reviews in her name not only about the businesses with which she is affiliated, but also about other third-party businesses.

3. The Complaint alleges that Google maintains an “anti-impersonation” policy under which Google represents that it will not permit impersonation of others on its website properties. Ms. Morgan reported the impersonation to Google, but Google declined to take action and continued to allow the impersonation of the Plaintiff.

4. The Complaint further alleges that the harasser then further escalated the impersonation by obtaining a photo of Ms. Morgan and changing the image associated with the photo. Ms. Morgan took the image of herself and owns the copyright for the photo.

5. Using Google’s copyright take-down procedure, Ms. Morgan requested that Google take down her copyrighted image. Google acknowledged it had received the request assigned the request case number 1-5722000033816:

6. On April 23, 2023 removals@google.com, following up on Google case number 1-5722000022816, indicating it would not “consider the request” including action to stop the infringement, unless Ms. Morgan provided a court order that mandates the removal of the “allegedly infringing content.”

7. In response to Google’s refusal to stop the infringement of her copyright absent a court order, Ms. Morgan filed this action.

8. Shortly after the action was filed, the user profile of the harasser disappeared.

9. On November 24, 2023, Plaintiff served 7 requests for production of documents on Google. The first request asked for documents referring or relating to Ms. Morgan.

10. On March 4, 2024, Google served objections and responses to the document request and produced documents limited entirely to printouts from various Google website. Among other objections, Google objected to the first request as overly broad.

11. On March 6, 2024, the parties met and conferred about Google objections, and Plaintiff agreed to narrow the first request (documents referring or relating to Ms. Morgan) to: (a) documents from or to Ms. Morgan concerning her requests; and (b) any internal Google communications about those requests. There are shortcomings in other aspects of Google's production but the production of these central documents is the most pressing.

12. To date, Google has not produced a single non-public document relevant to Ms. Morgan's complaints, has provided no date when it will do so, and has not explicitly agreed to produce any of Google's internal communications about her requests.

13. Fact discovery in this matter closes on April 26, and the deposition of the sole witness identified by Google in its initial disclosures and who Google also designated as its 30(b)(6) witness is scheduled for April 10.

14. WHEREFOR, Plaintiff seeks and order compelling Google to produce, no later than April 5, 2024: (a) documents from or to Ms. Morgan concerning her requests; and (b) any internal Google communications about those requests.

March 22, 2024

Respectfully submitted,
By: /s/ David Berten
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CERTIFICATE OF SERVICE

I hereby certify that on March 22, 2024 I filed the above paper using the CM/ECF system, this document was served on all counsel who are deemed to have consented to electronic service. Fed. R. Civ. P. 5(b)(2)(E) and Local Rule 5.9.

/s/ David Berten
David Berten
Attorney for Plaintiff