



Street View Surprise

Google Inc. admitted that it trespassed by taking a photo of a house in Franklin Park, Pennsylvania while photographing its Street View service. However the plaintiff settled for nominal damages of one dollar. Google told AP, "We are pleased that this lawsuit has finally ended with plaintiffs' acknowledgment that they are entitled to only \$1." Google believes that its ability to continue offering Street View will be unaffected. The plaintiffs issued a statement saying that, "this is one sweet dollar of vindication. Google could have just sent us an apology letter in the very beginning, but chose to try to prove they had a legal right to be on our land. We are glad they finally gave up." But don't get any ideas of scoring some Google wealth. The plaintiff in this case showed that the only way the photographs could have been taken was by driving 1,000 feet up a private road clearly marked with a "no trespassing" sign. The plaintiff claimed that they would have settled for an apology and Google claimed that it regularly removes photos upon request. Street View is offered in 33 countries and many have privacy concerns. Greece, Germany and people in England have taken steps to prevent or restrict Street View on privacy concerns. The plaintiffs in this case had claimed punitive damages and mental suffering but they lost on all those causes of action.

Law Skool — "Boiler Plate"

So-called "boiler plate" - those several provisions at the end of your contracts that no one reads or understands have all arisen out of crazy lawyer arguments and can actually be important. Don't like the "choice of law" provision. Just try applying Zimbabwe law to your divorce. Don't like the "integration" provision? Maybe that two a.m. drunken rant your partner made was part of your agreement with your vendor. You get the picture. Each of those provisions has arisen out of real facts of real disputes. We once had an opposing party ask if we could make an agreement we had drafted one page long. "Sure," we said and then we promptly stripped out everything protecting the other side, eliminated paragraphs, and reduced the font size. Everything our client needed was in that one page. If our legal theories and concepts hadn't evolved from "assumpsit" and "replevin" and other archaic Latin maybe this stuff could have evolved more logically. But it did, so it couldn't. So think twice before you strike the force majeure clause in your next lease. After all, if a majeure forces you, it might come in handy. Don't forget that an unplated boiler might blow up.

Undone Deals

The Federal Trade Commission has attacked another completed merger to break it up; Laboratory Corp. of America's \$57.5 million purchase of Westcliff Medical Laboratories Inc. In a recent administrative complaint the FTC claimed the merger violated antitrust laws and would lead to higher prices and lower quality in the Southern California market for clinical laboratory testing services to physicians. We all know that the stupid kids in class become doctors so we understand the need to protect them from unscrupulous businesses. This is the 10th challenge to a done deal by the FTC since the start of FY 2009, compared to an average of one deal a year for the prior five years. The lone Republican voted against bringing the case saying that, "Although I think that there is reason to believe that this transaction will have anticompetitive effects, I cannot support a complaint that alleges an erroneous definition of the relevant product market." He argued that the market was faultily defined, a key component of any anti-trust case. If the government defines the market as "everything you sell" why, then, you have a 100% monopoly. "I cannot and will not allow the staff to dictate, in this or any other case, determinations that the Commission should make," the lone Republican wrote.

If you want us to discuss a specific topic, please email us at info@tclg.com to let us know

THIS IS AN ADVERTISEMENT (in case you didn't know)

To add or remove your name from our mailing list, please [click here](#).

Questions or comments? Email us at info@tclg.com or call (650) 227-8000

Please visit us at www.tclg.com

The Corporate Law Group
500 Airport Boulevard, Suite 120
Burlingame, California 94010

BizBuzz Jazzz 🎵🎵🎵

More Madoff

The Madoff trustee Irving Picard (wasn't he on Star Trek?) sued JPMorgan Chase for over six billion dollars. The case claims that the bank knew or should have known that Madoff was running a Ponzi scheme but kept quiet due to the high fees it was earning. Picard's lawyer said the bank was, "willfully blind to the fraud, even after learning about numerous red flags" and claimed that Madoff needed the bank's help to keep the scheme going. JPMorgan claimed that Picard blatantly distorted the bank's role and denied having any suspicions about Madoff. "The complaint filed today by the trustee for the Madoff estate blatantly distorts both the facts and the law in an attempt to grab headlines," a statement said. "Any suggestion that JPMorgan supported Madoff's fraud is utterly baseless and demonstrably false." Time will tell.

Res Ipsa Loquitur

New Year Resolutions

Some new year resolutions we can get behind:

1. Stop sweating [give up exercise].
2. Avoid skin irritation [stop shaving].
3. Ingest antioxidants [from wine].
4. Learn more statistics [about sports].
5. Gain business knowledge [at retail stores].
6. Start composting [rather than taking garbage out].
7. Work on collection [of beer bottles].
8. Carbo-load before strenuous events [potato chips and reality TV].
9. Spend time with family [at the movies].
10. Stop smoking [give up camping].
11. Drink less [other than antioxidants and from collectibles].

Disclaimer (Hey, we're lawyers!)

BizBuzz is not specific legal advice on any matter and is not intended to create any attorney-client relationship. For advice concerning any specific legal matter, please [contact us](#).