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Jenner & Block Accuses Google of Abusive Litigation Tactics

"Google will come after you," law firm alleges in new court papers in subpoena fight.

Zoe Tillman , The National Law Journal

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Subpoenas that Google Inc. served on Jenner & Block and others this year are an abuse of the court system, the law firm said Monday, urging a judge to reject the tech company's demand for documents.

Google wants documents from Jenner & Block, the Motion Picture Association of America (MPAA) and consumer advocacy group Digital Citizens Alliance. Google this month asked a federal district judge in Washington [to enforce the subpoenas](#), claiming the documents would reveal "anti-Google" lobbying efforts that were relevant to pending litigation between Google and Mississippi Attorney General Jim Hood.

Jenner & Block, which is representing itself and the MPAA, [filed papers late Monday](#) arguing that the subpoenas were overbroad and irrelevant to the Mississippi litigation. The firm said many of the documents that Google wanted were protected by attorney-client privilege and the First Amendment.



"The most fundamental purpose of these subpoenas is to send a message to anyone who dares to seek government redress for Google's facilitation of unlawful conduct: If you and your attorneys exercise their First Amendment right to seek redress from a government official, Google will come after you," Jenner & Block partner David Handzo (left) wrote. "The court should not allow Google's abuse of the litigation process."

A Google spokesman declined to comment. Google is represented by Wilson Sonsini Goodrich & Rosati. Wilson Sonsini attorneys Veronica Ascarrunz and David Kramer did not return a request for comment.

In the court fight in Mississippi, Google claims that Hood unconstitutionally investigated the company's practices and threatened legal action. Those investigations concerned third-party content that appeared in the Google search engine or on Google-owned YouTube that Hood

and others, including the MPAA, contend is illegal, such as copyrighted movies or ads for prescription drugs.

Jenner & Block said in the court papers filed this week that the MPAA's efforts to work with Hood were "unexceptional and entirely legitimate." Google accused the MPAA and Jenner & Block of being among the "architects" of Hood's allegedly unlawful campaign against Google.

Read more:

- [Google Takes Jenner & Block, MPAA to Court Over Subpoenas](#)

Jenner & Block said the firm and the MPAA had already agreed to turn over documents that they exchanged with Hood, but that Google "insists on more."

"Google demands documents that the attorney general never saw, and that instead include the internal deliberations of the MPAA, its communications with its members, and the legal advice of Jenner, as well as communications with others similarly aggrieved by Google's conduct, on the misguided theory that such documents somehow are probative of Attorney General Hood's intent," Handzo wrote.

The Digital Citizens Alliance [also filed papers on Monday](#) objecting to Google's request to compel compliance with the subpoenas. The group, represented by Massey & Gail in Washington, said Google's request was premature and that the company failed to engage in "good faith" efforts to resolve any differences.

Below: Read Jenner & Block's response to Google's motion to comply.

Contact Zoe Tillman at ztillman@alm.com. On Twitter: [@ZoeTillman](https://twitter.com/ZoeTillman)

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