Case 8:	2-cv-02202-JST-AN Document 1 Filed 12	2/21/12 Page 1 of 5 Page ID #:1
1 2 3 4 5	J. SCOTT RUSSO (CA STATE BAR NO. 155631) RUSSO & DUCKWORTH, LLP 9090 Irvine Center Drive, Second Floor Irvine, California 92618 Telephone No. (949) 752-7106 Facsimile No. (949)752-0629 Attorneys for Plaintiff Guy Hingston	FILED 1012 DEC 21 AM 11: 5 ERK U.S. DISTRICT COL ENTRAL DIST. OF CAL SANTA ANA
6	Guy Filingston	T. 5
7 8	UNITED STATES DISTRICT COURT	
9	CENTRAL DISTRICT OF CALIFORNIA, SANTA ANA DIVISION	
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11	CLIVIUNICOTON, and individual	Case No.:
12	GUY HINGSTON, an individual, Plaintiff,	SACV 12 - 02202 JST (ANx)
13 14	VS.	COMPLAINT FOR DAMAGES FOR FALSE LIGHT
15	GOOGLE, INC., a Delaware corporation, and DOES 1-100, Inclusive	(REQUEST FOR JURY TRIAL)
	1	
16 17	Defendants.	2
17 18	Defendants.	
17		r. Hingston") brings this action against
17 18		, ,
17 18 19	Plaintiff Guy Hingston ("Plaintiff" or "D	, ,
17 18 19 20	Plaintiff Guy Hingston ("Plaintiff" or "D defendant Google, Inc. ("Google") for damag	ges for False Light, and demands trial by
17 18 19 20 21	Plaintiff Guy Hingston ("Plaintiff" or "D defendant Google, Inc. ("Google") for damag jury, complaining and alleging as follows:	ges for False Light, and demands trial by
17 18 19 20 21 22	Plaintiff Guy Hingston ("Plaintiff" or "D defendant Google, Inc. ("Google") for damag jury, complaining and alleging as follows:	ges for False Light, and demands trial by

Defendant Google, Inc. is a Delaware corporation conducting business in 2. 27 the State of California and within this judicial district.

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- 3. Plaintiff is unaware of the true names and capacities of the Defendants sued as Does 1 through 100. Plaintiff will amend its complaint when the true names and capacities have been ascertained. Each of the Doe defendants is responsible in some actionable manner for the events, occurrences, injuries and damages alleged herein.
- 4. The terms "Defendants" will refer collectively to the aforesaid Defendants acting by and through their managerial employees, and each of them.
- 5. Managerial employees of the Defendants, in doing the acts and things described in this complaint, were acting within the course and scope of their respective agencies and/or employment with the Defendants, and each of them, with the knowledge and consent of the Defendants, and each of them, unless otherwise indicated.
- 6. At all relevant times herein, each Defendant was the authorized agent of each other Defendant.

JURISDICTION AND VENUE

- 7. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1332 and the amount in controversy exceeds \$75,000.00.
- 8. Venue is proper in this District and this Division because Google transacts business within this District and Division.

FIRST CLAIM FOR RELIEF

Damages for False Light

(Against All Defendants)

10. When an individual computer user types "Guy Hin ...", into the Google search engine as a search, the words "Guy Hingston Bankrupt" appears. When the link(s) is clicked on, the article(s) to which the user is directed has absolutely nothing to do with a bankruptcy associated with Dr. Hingston. Dr. Hingston is not bankrupt. Any association with Dr. Hingston and a bankruptcy is in false light and/or defamatory. Dr. Hingston has directed numerous inquiries and made numerous requests, both oral and

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written, to Google for immediate action to resolve the foregoing issue to no avail.

- Attached hereto as Exhibit "A" is a true and correct copy of a December 14, 2012 letter sent to Google by Dr. Hingston's counsel in Australia.
- 11. Dr. Hingston is a surgeon practicing in Port Macquarie, New South Wales, Australia. Dr. Hingston's surgical practice focuses on breast cancer. Given his professional practice and position in his community, maintaining his good reputation is critical. Dr. Hingston has lost a number of patients and financiers who are refusing to associate with and/or deal with Dr. Hingston as a consequence of the reference on Google to a bankruptcy.
- 12. The phrase "Guy Hingston Bankrupt" publicized by Google has shown Dr. Hingston in a false light.
- 13. Dr. Hingston is informed and believes, and based thereon alleges, that Google knew or should have known that the false light created by its publication of the phrase "Guy Hingston Bankrupt" would be highly offensive to a reasonable person.
- 14. Dr. Hingston is informed and believes, and based thereon alleges, that Google knew or should have known that the publication of the phrase "Guy Hingston" Bankrupt" would create a false impression about Dr. Hingston.
- 15. Dr. Hingston is informed and believes, and based thereon alleges, that Google was negligent in determining the truth of the information or whether a false impression would be created by its publication.
- 16. This issue, and Google's continued failure to remedy this issue, despite numerous demands to do so, has caused significant harm and economic loss to Dr. Hingston in excess of the minimum jurisdiction of this Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Guy Hingston prays that final judgment be entered against Defendants, and each of them, jointly and severally, as follows:

1. For consequential damages in an amount to be determined but in excess of the minimum jurisdiction of this Court;

- 2. For an award of Plaintiff's costs of suit herein as permitted by law; and
- 3. For such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury, pursuant to FRCP 38.

Russo & Duckworth, LLP

Dated: December 21, 2012

By: J. Scott Rus

Attorneys for Plaintiff Guy Hingston



Suite 1405, The Chambers 370 Pitt Street Sydney NSW 2000

P.O. Box 20158 World Square NSW 2002

ABN 33 534 755 655

Our Ref: PJB Your Ref:

14 December, 2012

Google Australia Level 5, 48 Pirrama Road, Pyrmont NSW 2009

Dear Sir/Madam

RE: DR GUY HINGSTON

We act for Dr Guy Hingston.

Our client is very upset that when you type "Guy Hin..." into google, the words "Guy Hingston Bankrupt" appears. When the link is clicked on, none of the articles refer to a "bankruptcy" of our client but rather the fact the company Eclipse Aviation, which went into bankruptcy.

Our client is not a bankrupt. However, our client has lost a number of patients and financiers are refusing to deal with our client as a consequence of the reference on google which is associated with his name.

This is highly defamatory of our client and is causing him significant harm and economic loss as a result. Unless google immediately rectifies the situation, we shall have to move the Federal Court of Australia for orders including and injunction under the Australian Competition and Consumer Law ("ACCL") to restrain the publication as it is misleading and deceptive and seeking damages for defamation and for damages as a result of the misleading and deceptive conduct.

We shall rely upon this letter in support of our client's application.

Yours faithfully Beazley Singleton

Doses

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