

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FORD MOTOR COMPANY, a Delaware corporation,

Plaintiff,

Civil No. 01 60084 DT

v.

Hon. Robert L. Cleland

2600 ENTERPRISES, a New York not-for-
profit corporation, and EMMANUEL
GOLDSTEIN, a/k/a ERIC
CORLEY, an individual,

Defendants.

KATHLEEN A. LANG (P34695)
Dickinson Wright PLLC
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PLAINTIFF'S OBJECTION TO DECLARATION OF ERIC CORLEY

Plaintiff Ford Motor Company ("Ford") respectfully submits this Objection to the Declaration of Eric Corley (aka Emmanuel Goldstein) filed herein by Defendants. First, Ford objects generally to the Corley/Goldstein Declaration because it fails to satisfy the requirements of 28 U.S.C. § 1746. Under this statute, any matter to be established by any person "by sworn declaration, verification, certificate, statement, oath, or affidavit," may be established "by the unsworn declaration, certificate, verification, or statement, in writing of such person" so long as it is "subscribed by him, as true under penalty of perjury, and dated" in the forth set forth in the statute. 28 U.S.C. § 1746 (emphasis added).

Although the Corley Declaration is expressly submitted to the Court under this provision, it does not comply with the terms of the statute. The Corley Declaration is not "subscribed by" Eric Corley "as true under penalty of perjury," as required by statute; instead, the Declaration purportedly bears the signature of Emmanuel Goldstein, supposedly Corley's "*nom de plume* or pseudonym" from George Orwell's novel 1984. Without the signature by the declarant under penalty of perjury required by statute, there is simply no assurance that the declarant (whoever he might be) took proper care to assure that his testimony was true and accurate. Mr. Corley may enjoy writing pseudonymously in his various publications, but the courts of law require a party giving testimony to do so under penalty of perjury under his own name. Ford hereby moves that the Corley Declaration be stricken under 28 U.S.C. § 1746.

Second, Ford objects to Corley's testimony as irrelevant, lacking foundation, based on hearsay, and as purporting to offer expert testimony on pure questions of law. Specifically, Ford objects to Corley's assertions regarding his views as to certain "norms" as to the supposed "freedom to link" to any web site on the Internet. The question of whether and to what extent Defendants are liable under the Lanham Act for linking FUCKGENERALMOTORS.COM to Ford's web site is purely a legal one. Corley's assertions about his beliefs as to any supposed "norms" that may purport to contradict what the law otherwise requires are irrelevant, lack foundation, are based on hearsay, and amount to inadmissible expert testimony on legal matters.

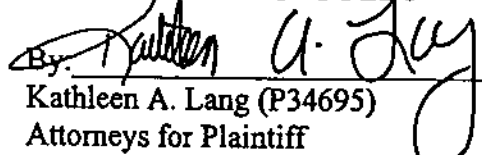
Similarly, Ford also objects to Corley's assertions that his conduct was "speech" protected under the First Amendment, that FCC v. Pacifica is not applicable to the Internet, that he has not made a "trademark use" of a domain name under the Lanham Act, and that he has not infringed or diluted any Ford trademark. These assertions amount to inadmissible expert testimony on legal matters and amount to legal conclusions.

Ford also objects to Corley's speculation that it would be "trivially easy" for Ford to write and implement computer code that would "screen out referrals that come from the URL www.fuckgeneralmotors.com." This speculation lacks foundation and in any event is irrelevant. As to foundation, Corley admits that his speculation that it would be "trivially easy" is based on

"the APACHE systems with which [he] is familiar and that most Website hosts use by choice," yet he also states that Ford uses "Microsoft software instead of APACHE." ¶ 18. Thus, there is absolutely no competent evidence in the record as to whether and to what extent it would be "easy" for Ford to write and implement computer code to "screen out" the link that Defendants have created. Indeed, the evidence that does exist indicates that Ford has literally hundreds of domain names and web sites. See Declaration of Susan McFee. Even if Ford could write and implement software code to "screen out" the current link, undoubtedly a hacker of Corley's self-proclaimed prowess could easily circumvent it by directing his vulgar domain name to any of these hundreds of web sites and domain names.

In any event, Corley's baseless speculation on this issue is utterly irrelevant. Regardless of whether Ford could utilize its software and computer experts to write screening code, and regardless of how time-consuming such a solution might be, Ford has no legal obligation to spend any time or resources minimizing the confusion created by Defendants. It is the Defendants that have caused this confusion, and accordingly they are responsible for avoiding it. Moreover, although the ease or difficulty of Ford's "self-help" remedy is the subject of some speculation and debate, there can be no question that Defendants' could much more easily undo the link that they created, and do so with 100% reliability.

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Dated: May 18, 2001


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PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the attorneys of record of all parties to the above cause by mailing the same to them at their respective business addresses as disclosed by pleadings of record herein, with postage fully prepaid thereon, on 5/18/01.


Subscribed and sworn to before me, a Notary Public, on the above date.

SANDRA R. BLACKMER
Notary Public, Oakland County, Michigan
Acting in Wayne County
My Commission Expires May 9, 2004


Wayne County, MI
My Commission Expires _____

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_____ /

**DECLARATION OF SUSAN N. MCFEE IN SUPPORT OF MOTION FOR
PRELIMINARY INJUNCTION**

I, Susan N. McFee, declare as follows:

1. I have personal knowledge of all matters set forth herein, and if called to testify at a hearing in this matter, would testify as follows.

2. I am Trademark Lawyer at Ford Global Technologies, Inc. a wholly owned subsidiary of the Ford Motor Company. My responsibilities include enforcement of Ford's trademark rights on the Internet.

3. Contrary to the Declaration of Mr. Goldstein/Corley, it is not only Internet users who voluntarily type in WWW.FUCKGENERALMOTORS.COM who will be linked to the Ford website through that domain name. In fact, an Internet user searching for domain names incorporating the phrase GENERALMOTORS may easily find the FUCKGENERALMOTORS.COM domain and easily be linked to the Ford website. For example, when I go to DOMAINSURFER.COM, a popular website to search domain names that contain various word strings, and type in the word string GENERALMOTORS, I am taken to a page that lists domain names containing GENERALMOTORS, including the domain name FUCKGENERALMOTORS.COM. A true and correct copy of the page that I accessed at DOMAINSURFER.COM is attached hereto as Exhibit A.


4. When I then click on FUCKGENERALMOTORS.COM, I am taken immediately to Ford's official website at FORD.COM.

5. When I then click on the WHOIS box for FUCKGENERALMOTORS.COM, a blank page comes up. A true and correct copy of the blank page is attached hereto as Exhibit B.

6. When I go to the web search site HOTBOT.COM and type in FUCKGENERALMOTORS.COM, I am taken to a WEB RESULTS page that contains two listings for the Ford Motor Company Home Page. A true and correct copy of this search result is attached hereto as Exhibit C.

7. Ford owns and operates hundreds of domain names and websites. Ford administers these domain names and websites from various facilities headquartered in the Detroit, Michigan area.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 17th day of May 2001 in Dearborn, Michigan.



Susan N. McFee



29,551,260 records
Last updated: 10 May. 2001

NewsHub
MultiTrace
DomainWatch
Send us FEEDBACK



Enter a string:

To anchor a search to the beginning of a domain name, prepend it with a carat (^) symbol.

Dictionary Search for: GENERALMOTORS

1 2 3 4 [Next]

145 matches for GENERALMOTORS Records 1 to 40

- [WHOIS] 1800GENERALMOTORS.COM
- [WHOIS] 2GENERALMOTORS.COM
- [WHOIS] 4AGENERALMOTORS.COM
- [WHOIS] 4GENERALMOTORS.COM
- [WHOIS] BUSCOGENERALMOTORS.COM
- [WHOIS] BUYGENERALMOTORS.COM
- [WHOIS] COPYRIGHTGENERALMOTORSCORPORATION.COM
- [WHOIS] E-GENERALMOTORS.COM
- [WHOIS] E-GENERALMOTORS.NET
- [WHOIS] E-GENERALMOTORS.ORG
- [WHOIS] E-GOGENERALMOTORS.COM
- [WHOIS] EGENERALMOTORS.COM
- [WHOIS] EGENERALMOTORS.NET
- [WHOIS] EGENERALMOTORS.ORG
- [WHOIS] FORDGENERALMOTORS.COM
- [WHOIS] FORDISBETTERTHANGENERALMOTORS.COM
- [WHOIS] FREEGENERALMOTORS.COM
- [WHOIS] FUCKGENERALMOTORS.COM
- [WHOIS] GENERALMOTORS-ACCEPTENCE-CORPERATION.COM
- [WHOIS] GENERALMOTORS-ACCEPTENCE-CORPERATION.NET
- [WHOIS] GENERALMOTORS-BEST-OF-USA.COM
- [WHOIS] GENERALMOTORS-BESTOFUSA.COM
- [WHOIS] GENERALMOTORS-DAEWOO.COM
- [WHOIS] GENERALMOTORS-SALES.COM
- [WHOIS] GENERALMOTORS-STORE.COM
- [WHOIS] GENERALMOTORS-USA.COM
- [WHOIS] GENERALMOTORS.COM
- [WHOIS] GENERALMOTORS.NET
- [WHOIS] GENERALMOTORS.ORG
- [WHOIS] GENERALMOTORS2000.COM
- [WHOIS] GENERALMOTORS.ACOM
- [WHOIS] GENERALMOTORSACCEPTANCECORP.
- [WHOIS] GENERALMOTORSACCEPTANCECORPORATION
- [WHOIS] GENERALMOTORS.AFTERMARKE.CO
- [WHOIS] GENERALMOTORS.AUCTION.COM
- [WHOIS] GENERALMOTORS.AUTOMOBILES.COM
- [WHOIS] GENERALMOTORS.BLOWS.COM
- [WHOIS] GENERALMOTORS.BLOWS.NET
- [WHOIS] GENERALMOTORS.BLOWS.ORG
- [WHOIS] GENERALMOTORS.BOSS.COM

1 2 3 4 [Next]

Domain Watch

Enter a domain name to check:

[MSIE4 Extension](#)
[NewsLens](#)

[TraceRoute](#) [Web Server](#) [Who's Linking: \(Infoseek\) \(AltaVista\) \(HotBot\)](#)

WWW.FUCKGENERALMOTORS.COM

Organization:

Address:

Admin Contact: / tel:

Tech Contact: / tel:

Billing Contact: / tel:

Name Servers:

Last Updated:

* Note: The reported number of domains served by a nameserver only includes those domains that are in the root zone files for .COM .NET and .ORG. Those nameservers with "XXXXXX" listed as the number represent nameservers which we are not currently reporting on.

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Advanced Search 2000 Annual Report Ford Motor Company's Annual Report is now available online. Take a look at our progress in 2000 and plans for the year ahead. View the report . Use our shopping guide to find the vehicle that fits your lifestyle!
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