

Google Attempting to Hamstring SM Kids Lawsuit

Google fails to live up to its slogans, "Don't be evil" and "Do the right thing"

LOS ANGELES, CA, UNITED STATES, December 7, 2020 /EINPresswire.com/ -- SM Kids, LLC, a company that aims to provide safe, fun and educational multimedia content for children, is suing Google for violating a 2008 Settlement Agreement with SM Kids' predecessor, Googles. For its part, Google is doing everything it can to avoid having to reveal any information about its decision to make children's products--in violation of its agreement not to destroy the Googles business.

The original slogan of Google was "Don't be evil." When Google changed its corporate name to Alphabet in 2015, it changed the slogan to "Do the right thing." "Google is failing to live up to the spirit of either slogan," said John Magliery, attorney for SM Kids.

SM Kids owns Googles, an online children's platform whose trademarks and domain preceded Google. In 2008, Google settled a trademark dispute with Googles that allowed Google to move forward with its search engine business as long as the company did not offer products similar to the Googles kids website, or create, develop, or publish children's content. Googles, in turn, agreed to not pursue providing internet search services.

The logo for Googles, featuring the word "Googles" in a stylized font with the 'G' in pink, 'o' in purple, 'o' in blue, 'g' in green, 'l' in yellow, 'e' in red, and 's' in black.

Googles by SM Kids LLC.

The standard Google logo, featuring the word "Google" in its characteristic multi-colored font: blue 'G', red 'o', yellow 'o', blue 'g', green 'l', and red 'e'.

John Magliery, attorney for SM Kids LLC.

Despite the fact that Google subsequently entered into the children's space in violation of the 2008 agreement, Google is now making every effort to avoid having the case litigated on its merits. While SM Kids is seeking to depose past and present Google employees who know about the Settlement Agreement, Google sought to prevent the depositions of all but two of the witnesses, either on the grounds that the witnesses are lawyers or high-level executives, or because Google would prefer a witness of its own choosing testify on the topic for which the targeted deponent is most knowledgeable. Google filed a letter motion for a protective order on November 20, 2020. SM Kids opposed and cross-moved for an order compelling the depositions.

At the same time, SM Kids moved for an order compelling Google's production of documents. Knowing that there is a short window for discovery permitted by the Court, Google has waited until the eleventh hour, just before depositions are to begin, to reveal that it will not produce any real documents about this case. This, in addition to Google's attempt to prevent the depositions of nearly all of the relevant witnesses.

Ultimately, the Court ruled that SM Kids is entitled to take the depositions of the lawyers who negotiated and signed the 2008 settlement agreement, Adam Barea and Timothy Alger, and is entitled to take the deposition of at least one of the high-level executives who knows about Google's children's projects and services and why, apparently, Google ignored the 2008 settlement agreement when it decided to make those products. The depositions will occur over the next month.

"We wish this dispute could have been avoided, but SM Kids has been given no choice but to protect its rights. Therefore, we are forced to have our day in court against Google, and we will not be dissuaded by their strategy," said Magliery. "Children have a right to a safe space on the internet, where parents do not have to be concerned about compromising their children's safety or personal data. Google has a track record of failing to screen for unsafe content and collecting data on children for its own profits. Together with the antitrust case the government has brought, it's obvious that Google seeks to crush its competitors. Beyond that, Google has hampered SM Kids every step of the way as they have worked to create a modern, safe space for kids online. Now we are saying 'enough'."

For more information and press materials, and to interview John Magliery about the SM Kids vs. Google lawsuit, please contact:

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