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6 Attorneys for Plaintiff
BARBRA STREISAND

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LOS ANGELES

11 BARBRA STREISAND, an individual,

12 Plaintiff,

13 vs.

14 KENNETH ADELMAN, an individual;
15 PICTOPIA.COM, a California corporation;
16 LAYER42.NET, a California corporation;
and DOE 1 through DOE 20, inclusive.

17 Defendants.

CASE NO. SC 077257

[Honorable Allan J. Goodman]

**DECLARATION OF JOHN M. GATTI IN
SUPPORT OF MOTION FOR
PRELIMINARY INJUNCTION**

**[Filed Concurrently with Motion;
Declaration of Barbra Streisand in support
thereof; [Proposed] Order].**

Date: July 14, 2003

Time: 8:30 a.m.

Dept.: H

Motion Cut-Off: None

Discovery Cut-Off: None

Trial Date: None Set

DECLARATION OF JOHN M. GATTI

I, John M. Gatti, declare as follows:

1. I am an attorney at the law firm of Alschuler Grossman Stein & Kahan LLP, counsel of record for Plaintiff Barbra Streisand ("Plaintiff"). I am a member in good standing of the State Bar of California and have personal knowledge of the facts set forth in this Declaration. If called as a witness, I could and would testify competently to such facts under oath.

2. Attached hereto as Exhibit 1 is a true and correct copy of a photograph taken on May 7, 2003, of the front side of Plaintiff's property facing the road which shows that the property is protected on this side by a large gate, perimeter fence, and thick foliage, and that almost nothing of the property except a small portion of roof can actually be seen from this vantage point.

3. Attached hereto as Exhibits 2, 3, and 4, are true and correct copies of photographs taken on May 7, 2003, of the back side of Plaintiff's property facing the beach which shows that the property is protected on this side by steep cliffs on top of which the property is built, the shrubbery hanging from these cliffs, and that almost nothing of the property except a small portion of roof can actually be seen from this vantage point.

4. Attached hereto as Exhibit 5 is a true and correct copy of a photograph taken on May 7, 2003, of the north perimeter of Plaintiff's property which shows that Plaintiff's property is protected on this side by a thick combination of flora which prevents anyone from seeing inside Plaintiff's property.

5. Attached hereto as Exhibit 6 is a true and correct copy of a photograph taken on May 7, 2003, of the south perimeter of Plaintiff's property which shows that Plaintiff's property is protected on this side by a thick combination of flora which prevents anyone from seeing inside Plaintiff's property.

6. Attached hereto as Exhibit 7 is a true and correct copy of the homepage of the website www.californiacoastline.org (the "Website") owned by Defendant Kenneth Adelman ("Adelman") reproduced on May 12, 2003, in which he explains that the goal of the Website "is to create a [sic] aerial photographic survey of the California Coast and update it on a periodic

1 basis” and where he offers the browser the possibility of locating the picture of a desired spot
2 close to the California coast by entering: (1) a longitudinal or latitudinal coordinate (or both); (2)
3 a famous coastal landmark; (3) an image caption (such as the name of a celebrity); or (4) the
4 number of the requested photograph.

5 7. Attached hereto as Exhibit 8 is a true and correct copy of a page from the Website,
6 reproduced on May 12, 2003, in which the Website gives the person browsing the possibility of
7 linking his computer to, among other things, a particular image such as the photographs of
8 Plaintiff’s property.

9 8. Attached hereto as Exhibit 9 is a true and correct copy of a page from the Website,
10 reproduced on May 12, 2003, which is reached by entering the term “Streisand” on the image
11 caption locator on the home page of the Website, and which contains a view of Streisand’s
12 property and residence identified as “Streisand Estate, Malibu”, its longitudinal and latitudinal
13 coordinates, its location on a map, the number of the photograph, and when such photograph was
14 taken.

15 9. Attached hereto as Exhibit 10 is a true and correct copy of a page from the
16 Website, reproduced on May 12, 2003, which is reached by clicking on the picture of Plaintiff’s
17 property contained in Exhibit 9 above, and which contains the same information of Exhibit 9 only
18 now the photograph is considerably larger and more detailed, the map is similarly enhanced to
19 show the street location of Plaintiff’s residence as if one were looking at a Thomas Guide, and the
20 viewer is given the option of downloading the image of Plaintiff’s property to one’s personal
21 computer and to purchase such image for a fee.

22 10. Attached hereto as Exhibit 11 is a true and correct copy of a page from the
23 Website, reproduced on May 12, 2003, which is reached by clicking on the picture of Plaintiff’s
24 property contained in Exhibit 10, and which shows that the picture is blown up to poster-size
25 dimensions (approximately 40” x 24”) and that the purchase and download options are still
26 present on the page even with photographs so enlarged.

27 11. Attached hereto as Exhibit 12 is a true and correct copy of a page from the
28 Website, reproduced on May 12, 2003, which describes how the pictures were taken (by the use

1 of a helicopter owned by Adelman), the sophisticated equipment that he used, and explains how
2 he is going to take pictures in the future with even more sophisticated and advanced equipment.

3 12. Attached hereto as Exhibit 13 is a true and correct copy of a page from the
4 Website, reproduced on May 12, 2003, showing that the photographs extend inland, well beyond
5 the coast.

6 13. Attached hereto as Exhibit 14 is a true and correct copy of a page from the
7 Website, reproduced on May 12, 2003, where the Website allows you to purchase a copy of a
8 picture in one of four desired sizes.

9 14. Attached hereto as Exhibit 15 is a true and correct copy of a photograph of
10 Plaintiff's property measuring 8" x 12.3" purchased from Adelman's Website in early 2003.

11 15. Attached hereto as Exhibit 16 is a true and correct copy of a photograph of
12 Plaintiff's property measuring 20" x 30.7" purchased from Adelman's Website in early 2003.

13 16. Attached hereto as Exhibit 17 is a true and correct copy of a page from the
14 Website, reproduced on May 12, 2003, where Adelman boasts of the high number of visitors to
15 his site, where he brushes aside and derides the privacy concerns raised by certain people, where
16 he claims that people who live by the coast have no privacy rights, where he describes as "rants"
17 those expressions of privacy concerns with his Website, and where he claims that his
18 accomplishment is easily achieved through a 35mm camera and a few hundred dollars.

19 17. In February 2003, I was contacted by Adelman's counsel, Mr. Richard Kendall. I
20 returned Mr. Kendall's telephone call in an attempt to get this matter resolved but to no avail. I
21 suggested that this matter could be resolved by simply having the caption "Streisand Estate,
22 Malibu" removed from the Website. Mr. Kendall replied that absolutely no change would be
23 made to any of the content on the Website.

24 18. Following service of the Complaint on Defendants, Adelman sought to draw
25 further publicity to his Website at Plaintiff's expense by changing his homepage to include a
26 photograph of Plaintiff's home with the identification of that home as hers. Moreover, he posted
27 a copy of the Complaint, correspondence between me and his counsel (which I had explicitly
28 stated was confidential and should not be published), as well as providing an e-mail link to my

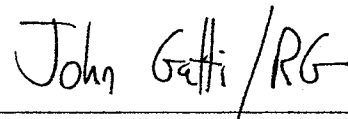
1 work e-mail. This has resulted in my receiving a large quantity of nasty, vituperative, and
2 unpleasant e-mails which have caused considerable disruption to my work. In addition, as a
3 result of Adelman's, a link has been created from my email address to hard-core pornographic
4 websites leading to my receipt of numerous harassing and vulgar emails. I have demanded that
5 this link to my email address be removed by Adelman who has refused my request.

6 19. Attached hereto as Exhibit 18 is a true and correct copy of the Website's new
7 homepage dated as of June 4, 2003, posted after the Complaint was served on Defendants, which
8 contains Plaintiff's private information.

9 20. Attached hereto as Exhibit 19 is a true and correct copy of a page of the Website
10 dated as of June 4, 2003, which has a link to the Complaint filed in this case, a link to an e-mail
11 page containing my address as recipient, and a link to the private correspondence between me and
12 Adelman's counsel.

13 21. Ms. Streisand has been the subject of numerous stalkers and threats of physical
14 violence. These threats have resulted in serious concerns for the safety of Ms. Streisand and her
15 family that have been substantially increased by defendants' identification of Ms. Streisand's
16 home distributed throughout the world on the internet.

17 I declare under penalty of perjury under the laws of the State of California that the
18 foregoing is true and correct, and that this Declaration was executed on the 18th of June 2003, at
19 Santa Monica, California.

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22 John M. Gatti
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