

The Honorable Denny Chin  
United States District Judge  
Daniel Patrick Moynihan Courthouse  
500 Pearl Street  
New York, NY 10007

February 14, 2011

**RE: THE AUTHOR'S GUILD ET AL. V. GOOGLE, INC. - CASE NO. 1: 05-CV-08136 (DC)**

Dear Judge Chin

We refer to our amicus curiae brief ("the brief") dated January 21, 2010 and to the Fairness Hearing on February 18, 2010, at which VG WORT was represented by legal counsel.

It is of course the case that judgment in the aforementioned class action proceeding is still awaited. Because of this continuing and unforeseen delay we wish to add to our comments in the brief and at the hearing as follows:

Under the terms of the amended settlement the deadline for claiming a cash payment would be March 31, 2011, and that for claiming the complete removal of works would be April 5, 2011. More limited removal may be claimed until March 9, 2012.

As mentioned in the brief, VG WORT has been mandated by many German authors and publishers with the aim to collectively claim certain rights under the amended settlement, if the latter might at all be approved by the court.

You will certainly appreciate that in order to be in the position to effectively exercise the rights granted to VG WORT, we need to take adequate preparative steps. It seems self-evident that the necessary administrative measures and actions require thorough planning and involve substantial expenses both in time and money. As the court rightly pointed out on many occasions throughout the present proceedings, one key element in this class action is and must be the adequate representations of the affected right holders. The latter must be put in the position to adequately exercise their rights.

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In the light of the above and in consideration of the status quo of the still pending proceedings, we are unable to adequately prepare to exercise any of the rights granted under the amended settlement within the deadlines presently set out in the said settlement. In particular, we have practical difficulty in determining the current status of German books under the existing terms of settlement, as detailed in our brief. Further, we cannot be expected to incur the heavy administrative costs which would be involved in trying to do so until the court has taken its decision whether or not to approve the settlement.

We submit that in these circumstances justice requires that any decision on whether or not the amended settlement shall be approved by the court should be subject to the condition that the deadlines mentioned be extended. We suggest that in view of the delay that has already occurred the extension should be to a date at least one year from the date of judgment in the case of the cash payment and the first removal deadline, and at least one year thereafter in the case of the second removal deadline. In order to furnish the affected right holders with reasonable legal certainty we would like to request an interim ruling on the extension of the deadlines here at issue, which might preferably be rendered well in advance to the expiry of the first deadline on March 31, 2011.

We have heard that the parties to the proceedings have asked the court to extend the deadline for claiming cash payments to one year after the court approves the settlement, if and when it does so. While this request of course coincides with our own request regarding cash payments, we are concerned that the parties have not asked the court to extend the deadlines for removal also. We submit that the extension of one kind of deadline without also extending the other is both illogical and unjust. As indicated above we are mandated to make removal claims as well as cash claims.

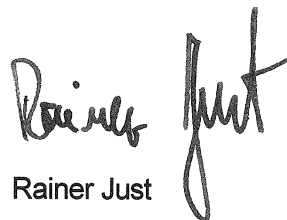
We therefore respectfully ask the court to take this letter into account in its decision.

Yours faithfully



Dr Robert Staats

Joint-managing director, VG WORT



Rainer Just

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