

Google admits trespassing in Pa., pays couple \$1

December 2 2010, By JOE MANDAK , Associated Press

(AP) -- Google Inc. has acknowledged that it trespassed when it took a photo of a Pittsburgh-area house for its Street View service, but will pay only \$1 in damages to a couple who sued.

U.S. District Magistrate Judge Cathy Bissoon on Thursday signed off on a consent judgment, a mutually agreed-upon verdict, between the Mountain View, Calif. company and Aaron and Christine Boring, of Franklin Park.

A Google spokeswoman told the Pittsburgh Post-Gazette, which first reported the parties had agreed to the judgment, that the settlement is limited to the Borings.

"We are pleased that this lawsuit has finally ended with plaintiffs' acknowledgment that they are entitled to only \$1," Google said in a statement to The Associated Press, adding that its ability to continue the [Street View](#) feature is unaffected.

The Borings' attorney, Gregg Zegarelli, said his clients are satisfied to have made the point that Google trespassed and realize they "can't control a company such as Google that operates worldwide."

"This is about right and wrong. Maybe my client and I are hopeless romantics, but I suppose some people said the same thing in 1950 about a male executive calling female staff 'sweetie/honey,' or African Americans just sitting a few seats farther in the back of the bus,"

Zegarelli said.

The Borings said in a statement released by Zegarelli that the amount of the judgment isn't the issue.

"This is one sweet dollar of vindication," the statement said. "Google could have just sent us an apology letter in the very beginning, but chose to try to prove they had a legal right to be on our land. We are glad they finally gave up."

Google's Street View feature lets users view homes and businesses as though they are driving along a three-dimensional street. It's assembled by having cars with digital cameras collect images that are then paired with Google's map data.

The Borings sued in 2008, saying their privacy was violated when Google took a photo of their home. They said the images could only have been obtained if the driver traveled about 1,000 feet up a private road clearly marked "No Trespassing."

Google said people can have such photos removed upon request and argued that the images of the Boring home were no more invasive than those found on a county real estate tax website.

Since its launch in 2007, Google's Street View has expanded to more than 100 cities in 33 countries, prompting privacy concerns along the way.

Greek officials asked for more safeguards before its streets were photographed, and some English villagers protested by forming a human chain to stop a camera van.

In November, [Google](#) bowed to pressure from German residents and

made that country the only one in the world where people can ask in advance to have images of their homes excluded from the Street View feature.

Zegarelli praised his clients for sticking with the case.

The Borings sued in April 2008 and 10 months later, U.S. Magistrate Judge Amy Reynolds Hay dismissed the lawsuit, saying the couple did not take reasonable steps to remove the pictures, did not prove mental suffering and "have not alleged a single fact supporting their contention that their property decreased in value." She also said it was "hard to believe that any - other than the most exquisitely sensitive - would suffer shame or humiliation" from having their house photographed.

A 3rd U.S. Circuit Court of Appeals panel in March reinstated the couple's trespassing claim but found that Hay was correct to dismiss all the couple's other claims. It also found Google's conduct was not "outrageous" enough to warrant punitive damages the Borings sought.

Hay died earlier this year before she could hear the case, so it was reassigned to Bissoon. She met with the parties Tuesday and reached the agreed-upon verdict. Both sides will pay their own attorney fees.

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