

David and Goliath in the Search Engine World

Judy Wang v Google. The 2012 case was remarkably esoteric. Google board members and officers lawyered up in a big way. The court record says, "Representing Google, et al...." And then [lists around 100 attorneys](#).

For the plaintiff, Judy Wang, there was Kathleen Ann Herkenhoff of The [Wesier Law Firm](#).

David and Goliath. And Goliath blinked but didn't fall.

Wang, as represented by Herkenhoff, alleged the [Food, Drug and Cosmetic Act](#) (FDCA) prohibited pharmacies outside America from delivering any [prescription drug](#) into commerce. They also said the [Controlled Substances Act](#) prohibited the same conduct when it came to controlled substances.

The plaintiffs went on to say that Google's fiduciary duties and responsibilities were blown out of the water by corporate directors and officers. They, the 'suits' facilitated the [illegal importing drugs](#) for over six years and kept on even after becoming aware of a Department of Justice investigation into the practice.

Google claimed that using third party verification services like [Square One](#) and [Pharmacy Checker](#) absolved them of any crimes for illegal pharmacy mailings. The plaintiffs pointed out that the services were a sham and Google's directors knew the services weren't effective.

Motions and counter-motions swept through the courtroom like dust in front of an old woman's broom. Countless numbers of trees gave up their life to supply the paper which flew back and forth from the plaintiff to the judge to the defendants and back again.

With accusation piling up on accusation, the plaintiff's tried their best to erect a wall of laws, rules, and regulations around themselves. Finally, like a farmer getting tired of a horsefly buzzing incessantly around his face, Google swatted and filed a motion to dismiss.

After examining Google's claims around fiduciary duty, waste and unjust enrichment, the court granted Google's motion to dismiss the case.

In a shareholder derivative action on behalf of Google and some current and former company officers, the plaintiff's accused the company of permitting Canadian pharmacies to advertise on Google's search engine for prescription medicine to be sent to America. The plaintiffs called the ads unlawful,

and Google ended up paying \$500 million in fines and related costs.

UPDATE:

Kathleen Ann Herkenhoff doesn't list the Google case on the "Most Popular Cases" page of her website.

Judy Wang has vanished into the vortex of 1,473,041 "Judy Wang" results when searched on Google.

The Wesier Law Firm doesn't mention the Google case anywhere on its website and Google keeps its money machine busy churning out more than a few coins a day.